THE

EARL OF ABERDEEN'S CORRESPONDENCE

WITH

THE REV. DR CHALMERS

AND THE

SECRETARIES OF THE NON-INTRUSION COMMITTEE:

From 14*th January to* 27*th May* 1840.

WILLIAM BLACKWOOD & SONS, EDINBURGH;
AND JOHN MURRAY, LONDON.
M.DCCC.XL.

In a few copies, the following Erratum occurs at page 71: in Dr Chalmers's letter of 22d May, at the 10th line, "*Bill*" is printed instead of "*Call.*"

PREFACE.

When the following Correspondence took place with the late Convener and Secretaries of the Non-Intrusion Committee, Lord Aberdeen had not anticipated that communications which had taken place some time previous to any intention on his part of proposing a legislative measure, would have been made the subject of *public* remark, both in the official report of that Committee, and in a speech delivered in the Assembly by its late Convener when that proposed Bill formed the subject of discussion. The tendency of the observations, both in the report itself and on the occasion above alluded to, is to convey the impression that the measure lately submitted to Parliament by Lord Aberdeen, is of a character different from that which, from previous correspondence, the Committee or Dr Chalmers were entitled to anticipate, and indeed falling so far short of what they had been led to expect, as to justify a feeling on their part of "disappointment and surprise."

If Dr Chalmers, while expressing the opinion that "he had good reason to expect that Lord Aberdeen would have brought in such a Bill as was likely to satisfy the Church, which he had not done," and that he, therefore, "had right and reason to be disappointed"* with the measure proposed, had explained

* *Appendix.*

to the General Assembly the nature of the Bill which he had reason to expect from Lord Aberdeen, and communicated the correspondence on which such an expectation on his part was founded, the necessity of the present publication would have been spared. But as Dr Chalmers, while he made this remark, did not think fit to communicate the grounds on which it rested, or to refer to the correspondence prior to the introduction of the Bill, though authorized to do so by Lord Aberdeen's letter of 21st May 1840, and although the whole, as Dr Chalmers states, had been communicated to the Committee ; Lord Aberdeen acquiesced in the opinion which he found to prevail very generally, that the whole correspondence on the subject should be laid before the public.

CORRESPONDENCE, &c.

Mr Candlish and Mr Dunlop to Lord Aberdeen.

Edinburgh, January 14, 1840.

My Lord,

In consequence of a paragraph which appeared in the *Edinburgh Courant* of yesterday, purporting to be an account of an interview on the part of the General Assembly's Committee with certain Members of Parliament, evidently alluding to the meeting at which your Lordship was present on Friday, the Committee deemed it necessary to adopt the minute of which we transmit a copy. The members present when that minute was agreed to unanimously were, Dr Chalmers, Dr Gordon, Dr Makellar, Mr Bruce, Mr Candlish, the Procurator, Mr Bruce of Kennet, and Mr Dunlop.

However erroneous the impressions that may be created in the mind of the public by a statement, as incorrect as it would have been unwarrantable even if strictly accurate, it is of importance that no risk should be incurred of any erroneous impression on the part of your Lordship, or the other members of the Legislature, who honoured the Committee with a conference.

We have the honour to be,
Your Lordship's
Most obedient humble servants,
Robt. S. Candlish, } *Secretaries.*
A. Dunlop, }

The Earl of Aberdeen.

Minute by the General Assembly's Committee on Non-Intrusion.

There was brought under the notice of the Committee a paragraph in this day's *Courant*, professing to be an account of a communication recently held by the Committee with certain Members of Parliament. The Committee deem it necessary authoritatively to state, that the account in question is totally at variance with the fact. They refrain from publishing the particulars of what may have passed at the confidential interviews with which they may have been favoured by influential Members of Parliament; but they deem it incumbent on them to declare, that they have never given the slightest countenance to the idea that the Church should abandon the power of rejecting a presentee, in respect solely and exclusively of the dissent of the people, independent altogether of the opinion the Church Courts might form as to the grounds on which that dissent may be rested.

The Committee resolve to publish the above statement, and they further resolve to record the substance of what passed at the interview, evidently alluded to in the paragraph above mentioned, with Lord Aberdeen, Sir George Sinclair, Sir George Clerk, and Sir William Rae.

The Committee submitted the proposed draft of a Bill which had previously formed the subject of conversation with the Lord Advocate, and which they expressly stated was a measure that, in their opinion, would satisfy the Church. This draft was in substance what the Committee had suggested in the Supplementary Note prepared in London, and had for its object to provide that the right of a presentee under his presentation, should cease and determine on his rejection in respect of the dissent of the major part of the male heads of families in communion with the Church, in the same way as it ceases and determines on rejection on the ground of disqualification.

Thereafter a conversation arose in regard to the possibility of framing a measure in general terms, such as should fully recognise the power of the Church Courts, acting judicially in every case, to reject a presentee on any ground whatever that might seem to them to render his settlement inexpedient; and the discussion turned chiefly on this point—how far such

power in the Church Courts was likely to be acknowledged in terms so comprehensive as to leave the Church Courts at full liberty to give effect to the dissent of the congregation, on every occasion on which they judged it right to do so, even apart from the sufficiency of the reasons which might be given for such dissent. In order to test this, the following case was explicitly put:—Suppose a congregation dissenting and giving their reasons, and the Church Courts dealing with them in respect of these reasons. The Church Courts consider the reasons insufficient, but find that the congregation cannot be satisfied that they ought to receive the presentee as their minister—should the Church Courts, in these circumstances, still have power, if they see cause, to reject the presentee? As the Committee may have been mistaken as to the extent to which all the members of the Legislature present at the conference admitted this, they do not record their impressions on that point. But what is above stated is the precise case put by members of the Committee as exemplifying that which, at the very least, must be covered by any general measure that could be entertained for consideration with a view to the maintenance of the great principle of Non-Intrusion asserted by the Church.

The proposal of such a measure as that last referred to, had not previously been formally considered by the Committee, who could not and did not express any authoritative opinion in regard to it. Members of Committee conversed freely on the subject; but the only proposed measure which had been adopted by the Committee, or on which the Committee had deliberated, was that which was embodied in the draft of the Bill mentioned as having been submitted to the Lord Advocate.

Dr Chalmers to Lord Aberdeen.

Edinburgh, January 16, 1840.

My Lord,

The small paper which I put into your Lordship's hand was written after the conversation I had the honour of enjoying with you at Dalmahoy. It is a general sketch of what would satisfy myself, and, I believe, very many of both par-

ties in the Church; and might at the same time, I fondly hope, not materially differ from your own views.

I have got a legal acquaintance to put it into form, and now take the liberty of enclosing it. It appears to me to define very clearly the line of demarcation between the respective functions of the civil and the ecclesiastical courts. The strict precision of the terms in which it is framed is necessary, I understand, to save the possibility of any such unfortunate and distressing collision as that which now agitates the whole country, and which should be terminated as speedily as possible.

Your Lordship will perceive that it leaves the Church at liberty to decide *judicially* in each particular case—a provision which cannot but be satisfactory to very many both of those clergymen and laymen who are now opposed to the present state of our law, on the ground that the Church has imposed a restraint on herself which was unnecessary and uncalled for.

At the same time, in virtue of this very liberty, those of us who do think that a deference is due to the wishes of the people, (and I profess myself to be zealously of that number,) are free, in every instance when they think it to be right, to carry their principle into effect up to the full extent in which it is held by them, even though they should go so far as to think that the expressed dislike of the majority, irrespective altogether of the nature of the reasons produced by them, is a sufficient ground on which to reject the presentee.

And it is superfluous to add, that under such a Bill as the present, the Church would of course regulate her own form of process in dealing with the people, as in all the other stages of her procedure in the admission of ministers.

My honest conviction is, that short of the liberty provided for in this Bill, the Church neither should nor would subordinate her proceedings to any power not ecclesiastical. And, on the other hand, it is my equally sincere persuasion, that with this liberty she would, by the blessing of God, be a signal instrument in His hand for the maintenance both of sound religion and of social order in Scotland. May Heaven avert the calamity of a disruption between the State and the Church! and it is my earnest prayer, that, by the descent of that wisdom from above which is first pure and then peaceable, all our misunderstandings might speedily be healed.

I shall only add, in conclusion, that I hold it most desirable that no bill should be introduced but with the full previous understanding and concert of Scottish members of all parties and politics, to the extent at least of affording a sufficient guarantee for the measure being passed. This I endeavoured to impress on the mind of the Lord Advocate before he left Edinburgh.

I have the honour to be,
My Lord,
With the greatest affection and respect,
Your Lordship's most obliged
and obedient servant,
THOMAS CHALMERS.

The Right Hon. the Earl of Aberdeen.

No. 1. The Document *referred to* in the above.

Whereas misunderstandings have arisen as to the extent both of the rights of patrons and the powers of the Church, it is hereby enacted and declared, That while on the one hand the initiative shall remain as heretofore with the patrons, on the other hand the Church shall not in any instance forfeit any of the rights and endowments which belong to her as a National Establishment when dealing judicially with every nomination of a presentee, and so as to give effect in each instance to her own principles and views on the subject of ministerial qualifications and usefulness, she decides thereupon whether or not the presentee to any parish shall be ordained and admitted to the pastoral charge.

No. 2. The Document *enclosed* in the above.

Whereas doubts have arisen as to the respective jurisdictions of the Church Courts and of the Civil Courts in that part of Great Britain called Scotland, and it is expedient that such doubts should be removed,

Be it therefore enacted and declared, that the admission of ministers of the Church of Scotland to their offices and charges is absolutely and exclusively within the sole jurisdiction of

the judicatories of the said Church, the proceedings of the said judicatories therein being, as they are hereby declared to be, free from all cognizance, interference, or control by the Court of Session, or any other civil tribunals, which are hereby expressly declared to have no authority or jurisdiction to entertain any question relative thereto; and that whenever said judicatories, acting judicially in each particular case, shall refuse to admit the presentee to any living, on whatsoever grounds they may judge to affect the expediency of his settlement with reference to the spiritual interests of the congregation, the right and interest of such presentee in the presentation granted to him shall thereupon cease and determine.

And be it further enacted and declared, that all questions in regard to the validity of any presentation, and to the exercise of the right of patronage, and all questions as to the right to the enjoyment of the manse, glebe, and stipend, or other emoluments of benefices, are absolutely and exclusively within the jurisdiction of the Civil Courts; and that nothing in this Act contained shall extend, or be construed to extend, to entitle any judicatory of the Church to reject a presentation in respect of any objection to the validity thereof, or to the exercise of the right of patronage as aforesaid.

Lord Aberdeen to Mr Candlish and Mr Dunlop.

Argyll House, Jan. 20, 1840.

GENTLEMEN,

I have had the honour of receiving your letter, enclosing a minute of the proceedings which took place at the meeting of the General Assembly's Non-Intrusion Committee which I attended on Friday the 10th inst.

This minute, you inform me, has been adopted by the Committee, in consequence of a paragraph on the same subject that appeared in the *Edinburgh Courant* of the 13th. I had not seen or heard of the paragraph in question until my attention was directed to it by your letter; and although I regret the publication, and am ready to admit that the statement contained in it is by no means strictly accurate, I cannot think

that the Committee are quite justified in describing it as "totally at variance with the fact."

With respect to the minute of the Committee, I do not presume to question the correctness of those particulars which they have thought proper to record; but I am compelled to observe that a perusal of the minute is calculated, in my opinion, to convey an impression perhaps as erroneous as the paragraph to which the Committee have objected.

I attended the meeting without any previous concert or communication with those Members of the House of Commons who were present on that occasion; and I shall now venture to state my own impression and recollection of that which really took place, so far at least as I myself was personally concerned.

The draft of a Bill was produced and read, which was said to have been taken to London by the Lord Advocate, with the view of being presented by him to the House of Commons. Having first observed that the sole object of the Bill appeared to be, to obtain a legislative sanction for the Veto Act; and having been informed, in answer to enquiries made, that the Bill had not been prepared in communication with her Majesty's Government, and also that the Lord Advocate had given no pledge of his intention to introduce it into the House of Commons, I hastened to dismiss the matter from any further consideration, being satisfied that the measure proposed was impracticable, and that the Lord Advocate would never venture to present it to the House. After this, I do not recollect that the Bill in question formed the subject of any further remark during the whole course of the interview.

I took an early opportunity of declaring my assent to the principle of Non-Intrusion, and I ventured to suggest a mode by which it might be carried into full effect, and which it appeared to me that the Legislature might sanction. This suggestion, which I beg here to repeat, was in substance as follows:—That the Presbytery shall be bound to take a qualified presentee on trials; and in the course of the proceedings previous to ordination, the objections of the parishioners, if any, shall be received and duly weighed by the presbytery: such objections, in every case, to be accompanied with rea-

sons assigned; but the presbytery to be at liberty to consider the whole circumstances of the case before them, and to form their judgment without reference to the actual number of persons dissenting, or their proportion to the whole amount of communicants and heads of families in the parish,—the decision of the presbytery with respect to the fitness of any individual for the charge to which he is presented, to be founded on such full and mature consideration, and to be pronounced on their own responsibility and according to the dictates of their hearts and consciences. In a word—and to adopt the expression of Dr Chalmers—it was proposed to recognise a presbyterial veto, instead of the popular veto which it had been attempted to establish by the Act of the General Assembly: all proceedings before the presbytery to be liable to review in the superior Church Courts.

It appeared, in my humble judgment, that such a course as this would give full effect to the Non-Intrusion principle, according to any rational interpretation of the term. I believed it to be strictly consistent with the spirit of presbyterian policy and church government; and that it would satisfy all the claims of the Church herself, as put forward at former periods of her history.

Although this suggestion was made without any previous communication with the Members of Parliament present at the meeting, I have reason to believe that it met with their acquiescence; and it was my decided impression that the proposition had been favourably entertained by the Committee. Most assuredly, however, the whole discussion proceeded on the understanding of the abrogation of the Veto; and more than once I expressed an anxiety effectually to prevent the possibility of an attempt to re-enact it under some different form. You may also, perhaps, recollect my declaration, that I should even prefer the popular election of ministers to the establishment of the Veto.

But, in truth, I must consider the Veto as having no existence at the present moment, at least for any practical purpose. The highest court of judicature known to the constitution having pronounced the Act to be illegal, and an infraction of the statute, I must presume that the supreme power of the

State will take good care that the existing law of the land shall be duly respected and obeyed until Parliament may otherwise determine.

I do not pretend to give any full account of the discussion which took place during the interview; but I left the meeting highly gratified by the conciliatory spirit which had been evinced by the Committee, and strongly impressed with the conviction that they had given the most favourable reception to the suggestions which had been offered for their consideration.

In conclusion, I beg to assure you that I should deeply regret if any premature publication, or other cause, should check the progress of friendly discussion on this subject, and interpose an obstacle to the happy settlement of those differences which so unfortunately exist.

I have the honour to be,
Gentlemen,
Your most obedient humble servant,
ABERDEEN.

Rev. R. S. Candlish, W. Dunlop, Esq.

The Copy of a proposed Bill referred to in the above Letter, and given to Lord Aberdeen on 10th January.

Proposed Draft of a Bill to alter and amend the Law of that part of Great Britain called Scotland, in regard to the presentation to Livings.

Whereas great evils are likely to arise in that part of the United Kingdom called Scotland, from the state of the law in regard to the presentation to Livings, if not prevented by an alteration thereof by authority of Parliament: Be it therefore enacted, &c., that in all cases in which the presentee to any church or parish in that part of Great Britain called Scotland, shall have been rejected by sentence of the presbytery of the bounds, or of the competent superior Church judicatories reviewing the proceedings of the said presbytery, in respect of the dissent of the major part of the male heads of families in com-

munion with the Church, members of the congregation of the church or parish presented to, such dissent, in the judgment of the presbytery or competent superior Church judicatories, not proceeding from factious or malicious motives, but from a conscientious regard to the spiritual interests of the congregation, all right and interest on the part of the presentee in the presentation granted to him, shall cease and determine in the same manner and to the same effect as such right and interest on the part of a presentee, rejected as not qualified according to law, ceases and determines.

Provided always, and be it enacted and declared, that it is, and shall be competent to, and incumbent upon, the patron, presentee, or heads of families calling the presentee, who may allege that such dissent as aforesaid proceeds from factious or malicious motives, and not from a conscientious regard to the spiritual interests of the congregation, to establish the same to the satisfaction of the presbytery or superior Church judicatory, by evidence competent according to the law of the Church, in the judgment of the said presbytery or superior Church judicatory, as aforesaid.

Lord Aberdeen to Dr Chalmers.

Argyll House, January 22, 1840.

My Dear Sir,

I have received your letter, with the amended copy of the proposed Bill which you have been kind enough to send me. It is so far preferable to the draft prepared by the Non-Intrusion Committee for the Lord Advocate, that it does not, in express terms, enact the Veto Law; but I am apprehensive that it contains nothing which can preclude the General Assembly from maintaining it in force, or from passing such an Act whenever they think proper. It is true that the Church Courts, by your Bill, are required to act *judicially* in the admission of ministers; and this is, perhaps, all that can reasonably be desired, provided it be understood that a Presbytery shall freely examine and consider the whole case of each presentee who may be brought before them for ordination

and induction, and decide upon his fitness for the charge according to his own personal qualifications and his acceptableness to the parish. If the Presbytery, in every case, shall be at liberty to give the weight they may think proper to the reasons of dissent, without reference to the number of persons dissenting, I should be perfectly satisfied; but I cannot support a measure which shall compel Presbyteries blindly to give effect to the arbitrary and capricious dissent of any proportion of the parishioners, however large; while, on the other hand, I am quite ready to admit that the objections of a minority may be such as to justify a Presbytery in rejecting the presentee.

In a letter which I addressed, the day before yesterday, to the secretaries of the Non-Intrusion Committee, in answer to a communication received from them, I took occasion to repeat the suggestion which I had the honour of making to the Committee at their meeting on the 10th instant, as a substitute for the Veto. It appeared to me that this suggestion, if adopted, would give full effect to the principle of Non-Intrusion, which, according to any rational interpretation of the term, I am anxious to uphold. Although my letter will probably be laid before you, I transcribe here the substance of the suggestion referred to; and which, at the time it was made, appeared to meet with a decidedly favourable reception from the Committee.

"That the Presbytery shall be bound to take a qualified presentee on trials; and in the course of the proceedings previous to ordination, the objections of the parishioners, if any, shall be received and duly weighed by the Presbytery. Such objections, in every case, to be accompanied with reasons assigned; but the Presbytery to be at liberty to consider the whole circumstances of the case before them, and to form their judgment without reference to the actual number of persons dissenting, or their proportion to the whole amount of communicants and heads of families in the parish. The decision of the Presbytery, with respect to the fitness of any individual for the charge to which he is presented, to be founded on such full and mature consideration, and to be pronounced on their own responsibility, and according to the dic-

tates of their hearts and consciences: all proceedings before the Presbytery to be liable to review in the Superior Church Courts."

I may be in error; but it is my impression that the Church might safely act in the manner now proposed, and without any danger of interference by the civil courts; but if not, she would, at all events, in that case come to the Legislature with the best prospect of obtaining assistance and redress.

I must not disguise from you the fact, that the present position assumed by the Church is eminently unfavourable to the indulgent, or even candid consideration of her claims by Parliament. The contempt and disobedience of the law of the land, the violence and very questionable legality of some of the recent proceedings, and the extraordinary language and conduct of many of the leading members of the Church, have done much to alienate the good-will of men of all parties in this country. It is my firm belief that any attempt at legislation for the objects you have in view, would at present be unsuccessful; and I do not think therefore, having regard to the interests of the Church, that any such should be made at this moment. As a sincere friend of the Church of Scotland, and earnestly desirous of seeing a termination of the unhappy differences which now prevail, I am strongly inclined to believe, that if any proposition be made to Parliament at all, it ought not to be entertained until after the General Assembly shall have met. If the Assembly at their meeting shall at once rescind the Veto law; re-asserting, at the same time, the principle of Non-Intrusion, and their determination to carry it into effect in some mode not open to legal objection; and if they shall also agree to prepare directions for the future conduct of presbyteries in the manner suggested, I am sanguine in the hope and belief that such a course would receive the sanction of Parliament, if this sanction should ultimately be found necessary. I must add, however, that in a question of this nature, it is quite impossible to predict what may be the opinions entertained by different members of the Legislature; but I believe I am justified in saying, that those members of the House of Commons who were present at the meeting of the Committee on the 10th,

are disposed to concur in the view which I have now taken of the course suggested for your adoption.

I have the honour to be,
My dear Sir,
Very sincerely yours,
ABERDEEN.

Rev. Dr Chalmers.

Dr Chalmers to Lord Aberdeen.

Edinburgh, January 27, 1840.

MY LORD,

I am at present confined to bed by indisposition, which is the more to be regretted as our Committee meet to-day, though I have perfect confidence in their views as being satisfactory to myself, and I do hope that, by full and proper explanation, they will be made alike satisfactory to your Lordship.

I am not so unwell but that I can dictate a reply to your last letter, and I beg to be forgiven, if, for the sake of being distinct, I should appear to have the tone or manner of one who is too decided. The mere endeavour of being most fully and explicitly distinct, may give to one's explanation the appearance of a decision almost amounting to sternness. I hope, therefore, that it will not be regarded as too formal, if I thus classify my following observations :—

1. What I should have liked best was a full recognition by the Legislature of the Church's competency to deal, whether legislatively or judicially, with every question which related to the ordination and admission of ministers, reserving the patron's initiative, and at the same time protecting us from all interference by the Court of Session in the subsequent steps taken by the Church, after that the presentation was laid before us. This your Lordship will recollect to have been the substance of the propositions sent to you at Haddo House before you left home.

2. When we met at Dalmahoy, your Lordship stated as

your objection to the above proposal, that it did not preclude the General Assembly from maintaining the Veto law.

3. I next morning endeavoured to modify the proposition, and confined the recognition by the State to the Church's competency to dealing judicially with the questions at issue, thinking that thereby the matter would be brought into conformity with your Lordship's views. I gave your Lordship that modified view, along with a copy of the Bill which had been previously given to the Lord Advocate.

4. When we met with the Committee in Edinburgh, the impression I had from the conversation was, that we were all substantially at one, both as to the accompaniment of their dissent with reasons by the people, and as to the full power of the presbytery to sit in judgment on *the whole case*. I had the feeling at the time, that as this seemed to be the common understanding of both parties in the conference, it was unnecessary in some of our members to specify the particular case of a presbytery not being satisfied with the reasons produced, and yet sustaining the dissent when satisfied of its proceeding from a real and honestly-expressed dislike on the part of the people—thinking, as I did, that the fulness of the judicial power entrusted to the presbytery, comprehended this and every other case that could possibly occur or be imagined. But even this specification did not appear to me to disturb our unanimity, as your Lordship, I thought, did not object to a dissent being sustained even in such an instance, provided that it was done by the Presbytery on its own responsibility.

5. On farther reflection, I am satisfied that the gentlemen who brought forward the instance of a dissent being sustained, irrespective of the reasons, did right. First, because it was fair and honest that you should understand the full extent of the judicial power which we desire for the Church. Second, because, though the reasons as expressed by the people might none of them be of a very presentable or pleadable character, there might after all be a well-founded dislike on their part, that might prove a most effectual moral barrier in the way of a minister's Christian usefulness among them. And third, because, unless the measure be of that full and comprehensive nature which may provide for every possible or conceivable

instance, and so as to make the presbyterial veto quite absolute, we shall not be placed quite securely beyond the reach of interference, and so of a collision with the Court of Session.

6. In reference to the finality of the *presbyterial veto*, which is altogether an expression of my own, it is but doing justice to my long-cherished opinions when I say, that so far from conflicting with the popular Veto, I believe that in far the greater number of instances it will never be more righteously or usefully exercised than when giving effect to it. Grant me a simple and sincere, however illiterate, congregation, and there could not be offered a weightier element for my decision than the real unwillingness of such a people for a particular minister—if satisfied that it is on religious grounds, though grounds which can neither be distinctly stated nor far less logically defended by them.

7. The last paper which I enclosed to your Lordship is but the translation of a former one into legal phraseology—necessarily stringent for our protection from legal adversaries, but expressing no more than the full judicial power which we desire, and mainly for the purpose of giving effect to the principle of Non-Intrusion. I beg your Lordship's attention to the unlikelihood, as stated by Mr Dunlop at our meeting—I should call it the impossibility of our passing anew the Veto Act, if the one now submitted be conceded to us. We understand now, that, by acting under the Veto law, we should forfeit the benefits of a National Establishment. Had we so understood from the first, that law never would have been passed; and now that we do understand it, only let us have an adequate security for Non-Intrusion, and there is all the security that is needed against the re-enactment of a Veto law by the Church.

8. I confess that were the Veto Act still to subsist, I should have liked to see a modification of it, at least to the effect of our being able to set aside the popular dissent on its being proved to have been a dissent not from religious motives. In the free exercise of our proposed judicial power, we shall be able to take cognizance of this element, and to decide upon it. If there be at all a difference betwixt us, it is whether we are to have a perfect and unexcepted freedom. Sir George Clerk,

both in word and in writing, seems to concede this, and I flatter myself that your Lordship does not differ from him. The instance given is perhaps the best possible for testing the whole extent of our freedom. We are willing that reasons should always accompany dissent, and that these reasons should be dealt with and canvassed to the uttermost; but we are not willing that we should be bound to admit the presentee if the people do not make good their reasons. On the contrary, we hold ourselves free, though not obliged, to exclude a presentee because of the strength of the popular dislike, though not substantiated by express reasons—a case which may occur, though not once in a hundred, I believe not once in a thousand times. The Act of 1690 requires that reasons shall accompany the dissent, and to this we object not; and it empowers the Presbytery to judge, not on the reasons alone, but on the whole "affair." With this, I think, (though your Lordship will now observe I am writing my individual opinion,) we will and ought to be satisfied. If your Lordship were alike satisfied, I do not see but we are thoroughly at one.

9. The evil of proceeding by correspondence, or by written or printed manifestoes, is, that we cannot so thoroughly convey in this manner our respective views. I feel persuaded, that if a few of our body were to go in person to London, you would experience at their hands the same conciliatory spirit, and, I trust, come to the same satisfactory understanding, that I flatter myself you did in Edinburgh. As a proof of the insufficiency of formal documentary communications, I find that the reply of our Committee to an obnoxious newspaper paragraph has been misunderstood. We do not say in that reply, that we desire the Church to be bound in every instance, as by a Veto law, to reject the presentee in respect of a dissent irrespective of the grounds; but that the Church will not abandon the power of so rejecting him, if it seem to her right. Short of this, we shall be exposed to the same shameful treatment of our people which disgraced the ecclesiastical proceedings of last century, with the fresh danger now of the Court of Session finding its way, through some opening or other, to the proper business of a Church not secured in the full exercise of her judicial and administrative powers, in every case that comes before us.

And now, my Lord, in reference to the last part of your letter,—I should really tremble for the result, if the settlement of this question in Parliament were to be put off till after the next General Assembly, in the hope that we will retrace our proceedings. I am quite sensible that the principles of our controversy are grievously misunderstood. The truth is, they have lain dormant for a century and a half, because they have never, during the whole of that period, been called forth by any disturbing force into exercise or manifestation; and so, excepting by ecclesiastics, they have been well nigh forgotten. They are not, however, on that account less deeply seated in our own convictions, or less palpably, as we think, deponed to in the Word of God. They were once familiar even to the lay mind of almost the whole of Scotland; and we are sensible of a daily increasing number, now that public attention is turned to the question, who are beginning to perceive the sacredness of the principle, that there are certain matters on which a Christian Church should be left untouched to its own power of internal regulation. If there be one assertion which I feel myself warranted to make with greater confidence than another, it is, that we have not rebelled, and that we have kept religiously within the limits of that ground on which the civil power ought to make no invasion. It is my profound feeling, that the violence and illegality charged upon us are all chargeable upon the Court of Session, and that we have acquitted ourselves with the most exemplary moderation in the whole of this affair. In strict ecclesiastical propriety, the Strathbogie ministers, instead of being suspended, should have been deposed, and, I fear, will be deposed by next Assembly, in consequence of their disobedience, if not anticipated by a final settlement of the question. In other words, the breach will be aggravated and made irreparable, if not speedily healed; and I would submit, if it is not better that all this agitation should be terminated by a measure which, as giving unfettered judicial power to the Church, will reconcile many, and be on the whole satisfactory both to the Church and to the country. I shall not attempt any exposition of the Church's independence, or to draw the line of demarcation between the civil and the ecclesiastical, as this would lead me into a lengthened and elaborate disquisition; but rather, in the spirit of

Edmund Burke, who commented so forcibly upon the danger of powers and parties falling out on abstract principles, I would again submit, whether it were not infinitely better that the disputation and its dangers were all foreclosed by the speedy adoption of a healing measure, which might set the question at rest for centuries to come.

I have the honour to be,
My Lord,
Your Lordship's most obliged
and obedient servant,
THOMAS CHALMERS.

The Right Hon. the Earl of Aberdeen.

P.S.—I beg to copy the following sentence of a letter received from Sir George Clerk, which meets with my full concurrence; and I really do not see what the remaining obstacle is to a general agreement, if it also meet the views of your Lordship:—

"The leading features of the plan which was suggested were these, that full opportunity should be given to the people to express their dissent; that they should assign for the information and the consideration of the presbytery the grounds of their objections to the presentee; and that then the presbytery, subject to the review of the superior church courts alone, should have full and unfettered power to decide judicially on the fitness or unfitness of the presentee for the particular parish, as their conscience and a sense of duty might direct, on the consideration of all the circumstances of the case, they being free either to admit or reject the presentee, without being bound either by the numerical amount of the objectors, or the precise nature of the reasons of dissent assigned."

Mr Candlish and Mr Dunlop to Lord Aberdeen.

Edinburgh, Jan. 28th, 1840.

MY LORD,

Having laid before the General Assembly's Committee your Lordship's letter of the 20th, we are instructed by them to

convey to you their thanks for the communication with which you have favoured them.

The Committee certainly felt that the publication of any, and still more of an inaccurate, statement regarding confidential conferences held by them on the matter intrusted to their charge, must greatly prejudice their efforts to accomplish a settlement of it; but they derive at least some satisfaction from thinking, that one good result has followed from the publication in the present instance—the explanation at an early period of a mutual misapprehension, which, if prolonged, might have been productive of serious embarrassment.

That mutual misapprehension seems to the Committee to have arisen chiefly from the circumstance, that they had conceived the discussion which took place, after passing from the subject of the Bill prepared by the Committee, to have had reference to the measure suggested by Dr Chalmers, and of which he read an outline, for recognising what he called a Presbyterial Veto, by a *general* Bill declaratory of the powers of the Church Courts in such broad terms as would cover the doing by them judicially of what was essential to the maintenance of the principle of Non-Intrusion; while your Lordship, as appears from your letter to us, considered it to refer to the proposition of the special measure there detailed.

The Committee had unfortunately not taken up the idea, that such a special measure had been proposed by your Lordship; imagining the particular cases put in the course of the discussion to have been merely in illustration of what might or might not be held to be legitimately covered by the general terms employed in Dr Chalmers's sketch.

Without, however, adverting further to the causes of the misapprehension which took place, or entering upon any question as to the comparative accuracy of the impressions of the different parties present, the Committee desire to submit a few observations on the far more important question, Whether the views now understood to be actually entertained by them respectively are capable of being modified, so as to admit of a satisfactory settlement; and they can assure your Lordship that nothing which has occurred will lessen the conciliatory spirit with which they are most anxious to carry on this discussion.

The Committee feel very strongly that the framing of any

special Bill, other than one simply sanctioning the present law of the Church, would be attended by many and great difficulties, which would be avoided by such a *general* measure as Dr Chalmers suggested. At the same time, if an understanding were once come to as to the practical state of matters to be attained, they would not altogether despair of a special Bill being framed to accomplish this, not inconsistent with those principles by which all legislation regarding the proceedings of Church Courts must be regulated. The Committee, however, regret very much to think that the views expressed by your Lordship, as to the footing on which the settlement of ministers ought to be placed, are so much at variance with those which must guide the Committee in their proceedings.

It appears to the Committee that the result of your Lordship's proposition would be, to leave to the Church Courts simply to determine on the character of the reasons adduced for objecting to a presentee—preventing them from giving effect, even in a judicial determination, to their views of the inexpediency of a settlement in respect of the opposition of the people, apart from their opinion of the character of the reasons alleged for such opposition—nay, excluding, as an element in that determination, the circumstance of whether the objection be entertained by a few individuals, or the great body of the congregation. The Committee regret the more to find that such are your Lordship's views, as when, at the conference, Sir George Clerk expressed his acquiescence in the proposition, that the Church Courts should have the power of judicially giving effect to the objections of the people, whatever opinion they might form of their reasons for objecting, the Committee were not aware that your Lordship had stated any dissent from Sir George's opinion.

Although the Committee were inclined, which they are not, they have not the power even to entertain such a proposition, involving as it does the abandonment of that very principle which the Assembly, by whom they were appointed, resolved could not be abandoned. The special object with which they have been charged is, to endeavour to have it secured that the Church Courts may, without severing the benefice from the cure, give effect, where they see cause, to the opposition of the people, *independent of* THEIR *opinion of the reasons on which*

that opposition may be founded. The proposal that the power of the Church in this matter should be exercised *judicially* in each case, and free from the imperative obligation of an unbending statutory rule; and that the reasons of disapproval should be stated, in order to admit of the Church Courts dealing with the regard to them, was one that the Committee might have considered (*whatever judgment they might ultimately have formed upon it*) without violating the terms of their appointment; but any proposition implying that the Church *should not have power* to reject, simply in respect of the circumstance that the congregation continued to oppose the settlement, they cannot listen to for a moment.

The objections of the Committee to the proposition in your Lordship's letter, as it is at present framed, are, as your Lordship will thus perceive, insuperable. And it is further matter of deep regret to the Committee to observe another position taken by your Lordship, very much calculated to obstruct any arrangement of this important question.

Your Lordship expresses a conviction, "that the supreme power of the State will take good care that the existing law of the land shall be duly respected and obeyed till Parliament may otherwise determine." The Committee cannot but infer that your Lordship here alludes, not to that obedience to the decrees of secular tribunals in matters civil which the Church has rendered, and ever will most cheerfully render, but to a submission to their decrees in regard to the exercise of her spiritual functions and jurisdiction in matters subject to her peculiar cognizance. If it be the meaning of your Lordship, that the Legislature should take measures to enforce such submission, the Committee very solemnly desire to impress on your Lordship the conviction, that any such attempt will meet with a firm and uncompromising though respectful resistance; and that, if persevered in, it must issue in the dis-establishment of the Church. Even if your Lordship only intends to indicate an opinion that Parliament should not interpose unless the Church shall first give that submission to which you refer, the Committee would consider such a course destructive of any prospect of settlement. They venture to hope, however, that no such dangerous question will be stirred, but that all parties will cordially co-operate in promoting an

arrangement of that practical matter out of which it has arisen, and by the sopiting of which it would be set at rest.

They are also encouraged to hope, that on re-consideration your Lordship may be led to modify the views stated by you as to the principles on which that practical matter ought to be settled ; and should these come to coincide with the opinions expressed by Sir George Clerk at the late conference, and repeated in a letter recently received from him, the Committee would see a prospect of an understanding with your Lordship, which the tenor of your letter for the present excludes. In this view, they take the liberty, respectfully, to refer your Lordship to the communications this day made to Sir George Clerk and Sir William Rae.

The Committee desire us, in conclusion, to repeat the assurance of their most earnest desire to promote a settlement of the present unhappy differences in a conciliatory spirit, and with an anxious view to the restoration of that peace and harmony so grievously broken by the conflict between the civil and ecclesiastical courts, and to the prevention of those dangers to the State and the Church which its prolonged continuance necessarily threatens.

We have the honour to be,
My Lord,
Your Lordship's most obedient Servants,
ROBT. S. CANDLISH, } *Secretaries.*
A. DUNLOP, }

The Earl of Aberdeen, K.T.

Lord Aberdeen to Mr Candlish and Mr Dunlop.

Argyll House, February 1, 1840.

GENTLEMEN,

It is very agreeable to me to be able to assure you that you have entirely misapprehended the import of my letter. I attended the meeting at Edinburgh without having had any previous communication with either of the members of the Legislature who were present on that occasion ; but having fully

considered the subject myself, I went prepared to state openly and candidly the opinions which I had conscientiously formed on the important question under discussion. It was with great satisfaction, therefore, that I found Sir George Clerk and Sir William Rae were prepared to take the same views; and it was with equal satisfaction that I thought I perceived a general concurrence of sentiment on the part of the Committee.

I should hope, on a reference to my letter, that it will be found sufficiently clear and explicit, and that there is no expression which can fairly be understood to limit or fetter the discretion of the presbytery in the ordination and admission of ministers. But after all, as it is intended to place them in a state of freedom, and to liberate them from the obligations of the Veto Law, the presbytery, like other men, must be governed by rational considerations.

In order to prevent farther misapprehension, I will explain, by an imaginary case, in what manner I understand the proposal, and the mode of its operation. It is agreed that, in all cases, the people objecting to a presentee, shall assign the reasons of their dissent, be they what they may. Now, let us suppose that any number of persons should object to a presentee because *he had red hair*. This would, no doubt, be a very bad reason; but if they persevered in their hatred of red hair, and the Presbytery found it consistent with their sense of duty, and the dictates of their own consciences, they might give effect to the objection by rejecting the presentee. But then the reason of dissent on the part of the people, as well as the rejection by the Presbytery, would be recorded; and if the superior Church Courts should confirm the decision, the matter would there terminate. It is to this publicity, and to the common sense and justice of mankind, that I look for a security against arbitrary and capricious proceedings in any quarter.

It is scarcely necessary to advert to another portion of my letter, the object and intention of which you appear also to have misconceived. My presumption that the supreme power of the State will take good care that the existing "law of the land shall be duly respected and obeyed until Parliament may otherwise determine," appears almost to possess the character of a truism. The statement had no reference to any particu-

lar course of proceeding, or pointed out in what manner the majesty of the law might be vindicated; and it is one which I should hope would receive a general assent.

I have the honour to be, &c.

ABERDEEN.

Rev. R. S. Candlish,
A. Dunlop.

Mr Dunlop to Lord Aberdeen.

Edinburgh, February 4, 1840.

MY LORD,

Your Lordship's letter of the 1st was laid before the weekly meeting of the General Assembly's Committee, held yesterday.

The Committee are gratified to find that they have so entirely misapprehended your Lordship's sentiments, and they trust that they do not misunderstand them now, in supposing you to agree that the Church Courts should have the *power* to reject a presentee in consideration of the continued opposition of the people, although they should think the reasons assigned for that opposition as frivolous as that in the case supposed by your Lordship, viz. his hair being red. Your Lordship's proposition thus explained, will receive from the Committee an attentive and favourable consideration.

The other portion of your Lordship's former letter, the object and intention of which the Committee had also misconceived, unquestionably expresses a truism when understood to mean that the law should be enforced as declared by the competent courts, each in its own province—by the civil courts as to causes civil, and by the criminal, fiscal, and ecclesiastical courts, as to causes respectively criminal, fiscal, and ecclesiastical. The Committee have unfortunately been accustomed to hear the statement applied in a different, and indeed a contradictory sense, importing that the interpretation of the law by the civil courts should not only form the rule of judgment in causes within their own jurisdiction, but should be

found *proce* other courts not subordinate to them, and who would thus be superseded in the exercise of the powers intrusted to them by the State; of themselves constituting the law affecting matters subject to their peculiar cognizance for the regulation of their decisions therein. They have in this way been led to misapprehend your Lordship, but are most happy to find themselves mistaken.

I am directed to acquaint your Lordship, that the Committee have resolved to dispatch a deputation immediately to London, and I have the honour to be,

Your Lordship's
Most obedient Servant,
A. Dunlop, *Secy.*

The Earl of Aberdeen, &c. &c., London.

Lord Aberdeen to Dr Chalmers.

Argyll House, Feb. 6th, 1840.

My dear Sir,

I cannot help thanking you for your last letter; with the sentiments expressed in which I almost entirely concur. I am also happy to perceive that you did not misapprehend the import of my former communication. This the Committee, very unaccountably, did; but the matter is now explained, and I am not aware of any material difference existing in the objects proposed by the Committee, and those which I should be prepared to support. As the Committee are about to send a deputation of their members to confer with the Government on this subject, there is little necessity for me to trouble you with speculations at present. I fear, however, that they will find a great disinclination on the part of the Government to legislate at all before the meeting of the Assembly. I may be mistaken; but I rather think that this is the case.

The subject is very little understood in England, and much misconception prevails. I am sorry to say that some of the speeches of the clergy have produced a very unfavourable impression amongst many who had entertained friendly dispositions towards the Church.

I am tempted to communicate to you the opinions of the Duke of Wellington. He is a man without prejudice; and his opinions, on all subjects, are those of a clear-sighted, wise, and upright statesman. I had sent him a copy of Mr Hamilton's pamphlet, which I requested him to read, in order to remove some erroneous impressions. He did so; and in a letter, which he addressed to me afterwards, I find the following, amongst other statements on the subject:—

"If these were the times in which moderate counsel would be attended to, I should say that it would not be difficult to settle this question.

"That which I would recommend to the Kirk to consider, is, that their utility as an establishment depends in a great measure upon their intimate connexion with the State. They cannot be an establishment without such union; every care being taken to preserve their exclusive spiritual power, and to secure it to them.

"But in the exercise of this exclusive power, particularly of those branches thereof which have relation with the municipal power of the State, it is very desirable, and not inconsistent with former practice, that the Kirk should state clearly the rule which it is proposed to adopt; that that rule should be made the subject of an Act of Parliament, and should regulate all such questions in future. I am aware that it may not be easy to frame a rule which shall be applicable to all cases. The difficulty may exist; but it would not be insurmountable in better times than these, in which good men, with good intentions, might have some weight and influence."

I think the Duke will give a candid attention to any proposal which may be made for the settlement of these unfortunate differences, in which, indeed, he takes much interest.

Believe me, my dear Sir,

Very sincerely yours,

ABERDEEN.

Rev. Dr Chalmers.

Dr Chalmers to Lord Aberdeen.

Edinburgh, February 15, 1840.

My Lord,

I should have replied much sooner to the communications both of your Lordship and Sir George Clerk, but I have been disabled from all vigorous attention to every thing by a severe bilious complaint, aggravated, I have no doubt, by the thickening anxieties of a crisis which the yesterday's decision, by the Court of Session, must necessarily precipitate into a far more open and declared hostility, between the civil and ecclesiastical courts in this country, than we have ever yet witnessed. How desirable that such a state of things were speedily terminated in a right way!

Our deputation are, I hope, now in London—Mr Buchanan and Mr Dunlop. The former, I hope, you will find a man of the moderate counsel recommended by the Duke of Wellington; the latter of great importance to the mission, both in being a Whig, and therefore more likely to be admitted into free converse with Government; and also a person whose ecclesiastical patriotism takes the precedency in his mind of all politics.

The most important instruction which they carry with them is, to hold equal and free converse with influential men on all sides of politics; and of all the measures which might be canvassed, that they should give their consent to the one which, while it serves both the Veto Act and Non-Intrusion, is the likeliest to pass both Houses.

Many of us are in terror lest our question should be made a political stalking-horse. I have to implore your Lordship's free and frequent advice for the prevention of this great evil, and will make a point of submitting your views for the instant consideration of our Committee, and their decision thereupon.

I shall resume the subject, if God will, on Monday, and will write both your Lordship and Sir George Clerk by the hand of an amanuensis.

Your Lordship will not wonder that the unexpected interference of the civil courts, and, in particular, the determined hostility (more obvious every day) of the Court of Session,

make us particularly desirous of a Bill sufficiently stringent in its terms to shut them out from every possible opening for an invasion on our proper domain in all time coming. It is doubtful whether the last part of the Act of King William, 1696, is at all repealed by the Act of Queen Anne; and if, notwithstanding, the Court did make way upon us, then, even though this Act should be made the basis of our proposed measure in the substance of it, it would require to be so adapted to the object of Non-Intrusion, and made so stringent in the terms of it, that the Church could by no possibility be restrained from giving effect to her principles and views on this subject.

I have the honour to be,
My Lord,
Your Lordship's most obliged
and humble servant,
Thomas Chalmers.

The Right Hon. the Earl of Aberdeen.

Dr Chalmers to Lord Aberdeen.

Edinburgh, February 17, 1840.

My Lord,

I am now able to write a little every day. We have had letters from several Members of Parliament, as Sir William Rae and others, stating that Government must move in the first instance, and that we must come to an understanding with them ere any measure could be proposed. The Lord Advocate has had one proposal in his possession for several weeks; and, on the other side, from the correspondence in the hands of your Lordship, you will be able to gather what the views among us are on the whole question.

I do hope that our deputation will find both the great parties disposed to coalesce in a common measure, securing the spiritual independence of the Church, and so as to provide, or rather leave us at liberty to provide, for the old constitutional object of Non-Intrusion; else I do not see how a measure will be made to pass through both Houses of Parliament.

I at one time intended that, while the deputation were finding their way practically to some such measure, I would trouble your Lordship with a statement and comparison of the various specific enactments which may in all likelihood be proposed; but I think it better to wait till I hear from your Lordship, or any of those kind friends in Parliament who have been pleased to take an interest in this great and momentous subject. I can truly say, that I know of no influential member in either House for whose support I have greater value, or in whose sincere desire for the moral interests of the community, I place greater confidence than in your own.

I may take the opportunity of stating that the last interdict of the Court of Session has raised the utmost astonishment and indignation of all the Church's friends. There is now a more clear and palpable transgression on the proper domain of the Church than was ever ventured on before; and a religious establishment on such a footing as that which could alone justify the proceedings of that Court, is just such an establishment as no man imbued with the principles of the New Testament could ever countenance or adhere to. You will, indeed, render a great patriotic service to the nation, if you succeed in extricating these unhappy matters from the state of anarchy and misrule into which they are fast hastening.

I shall, indeed, be most thankful for an early communication from your Lordship.

I have the honour to be,
My Lord,
Your Lordship's most obliged
and obedient servant,
THOMAS CHALMERS.

The Right Hon. the Earl of Aberdeen.

I shall write Sir George Clerk and Sir William Rae in a day or two.

Lord Aberdeen to Dr Chalmers.

Argyll House, Feb. 22, 1840.

My dear Sir,

I have received your letters of the 15th and 17th, and as you appear to wish to hear from me, I very willingly continue our correspondence; although I am unable to announce to you the removal of those difficulties which oppose the final settlement of the question by which Scotland is at present so much excited.

I have had a visit, some days ago, from Mr Buchanan; but I have not yet seen Mr Dunlop. They are very properly, at present, exclusively in communication with the Government, from whom any legislative measure must, or at least ought, to proceed. I do not know what degree of progress has been made in framing such a measure; and I can readily imagine that its provisions may be attended with the utmost difficulty. What may be the views of the Government I really do not know; but I am disposed to believe that they have not hitherto formed any decided opinion on the subject. I take for granted, however, that they will proceed on the recognised illegality of the Veto Act, and will vindicate the authority of the House of Lords. I am quite ready, and I hope the Government are ready, to assent to the principle of Non-Intrusion, carried to the utmost extent which can be consistent with reason and common sense; but I hope they are determined to resist the establishment of an arbitrary and capricious Veto, if attempted under any new form. I will candidly confess to you, that I should not be satisfied unless this be prevented in some mode or other; and although I am quite ready to admit that presbyteries, acting judicially and on consideration of the whole case, should have ample power to reject presentees, I cannot agree that the General Assembly shall be at liberty to issue such instructions to presbyteries as will compel them to reject presentees against whom a majority of heads of families may have objected, without having any regard whatever to the nature of the objections.

I should be glad to understand a little more clearly what you mean by presbyteries *acting judicially*. I presume it must be, deciding as judges in the case. If this be so, surely the merits of the whole question before them must be weighed and examined, and effect given to the objections of the people, according to their own consciences and their sense of duty. But if the General Assembly issue such instructions as I have supposed, how can presbyteries be said to act judicially, or indeed any otherwise than ministerially?

Now, let me ask you, in what manner presbyteries are to be corrected, in the event of their plainly transgressing their obligations and duty? In a former letter to the Committee, I supposed a frivolous objection on the part of the parish, the folly of which might naturally furnish the necessary remedy; but there are other cases of a more serious description. It is possible, and indeed probable, that in some parts of the country the mere knowledge of the fact that the opinion of the presentee had been hostile to the attempted Veto law, might operate against him, and that this might be the sole reason of objection. Again, in some parts of Scotland, the feeling against patronage is very strong; and it is possible that the majority of a parish might object to a man because he did not hold anti-patronage opinions. These reasons are to be recorded, and are public; but is it to be tolerated that a presbytery shall give effect to reasons which are, not only groundless and bad, but absolutely illegal? I can imagine other cases of a similar nature in which the act may be contrary to all law and justice, but which still may have something of a spiritual character. Perhaps you will say that these cases may be safely left to the superior Church Courts for final adjudication. I should have thought so too; but after the spirit we have seen in the Assembly, and the opinions of those who have obtained an ascendency, I am not much disposed, by legislative enactment, totally to deprive the civil courts of the power which they now possess, under the law, of doing right and justice to the Queen's subjects in case of necessity.

The Assembly have already attempted an illegal act, in

which, I must say, they have shown too great an inclination to persevere; although, as having proceeded *bonâ fide* and under able advice, they might have receded with the best possible grace. If once entirely removed from the control of the civil power, there is no saying to what extremities they may proceed. They may, for instance, declare patronage to be anti-scriptural, and contrary to the Headship of the Saviour; and they may endeavour to give effect to this declaration accordingly. Now, the knowledge that such power exists, will prevent extravagances of this kind. If all members of the Assembly were like yourself, we might proceed without much difficulty; but we must take men as we find them: and I confess that, under present circumstances, I think it would be scarcely prudent for the State to divest itself altogether of that control which, by the law and constitution, it possesses over the Established Church of the country.

With respect to the practical question under discussion, I beg to repeat, that I would give the greatest possible latitude to the honest objections of parishes; and would recognise in presbyteries a full discretion and the most ample powers. I would carefully prevent all vexatious interference: but there must be redress somewhere for wrong committted; and acts plainly illegal can never be tolerated.

Believe me,
My dear Sir,
Very sincerely yours,
ABERDEEN.

Rev. Dr Chalmers.

Dr Chalmers to Lord Aberdeen.

Edinburgh, February 29, 1840.

MY LORD,

When I received your Lordship's important letter of the 22d, I sat down to write at length on the subject of it. But the fatigues and interruptions of my class force me to make a very gradual effort of any thing I can do; and my amanu-

ensis is away from me for a few days, so that I fear I shall not be ready with a full communication till the end of the week.

My great object is to explain why it is, that though I would be satisfied with a smaller, I am not in the least afraid of a larger measure of Non-Intrusion. I am quite aware of the worthless policy of the Whigs, which is to outdo in popularity the measure of the Conservatives, whatever that may be. How I should rejoice if the Conservatives, on the other hand, would in their turn contrive and so wrest the measure from their grasp, thereby gaining for their cause, in all time coming, the affections of the Church and People of Scotland!

It is one of my profoundest convictions, that a Church on the one hand endowed by the State, and on the other owned and cherished by the people, is the *vinculum* that would bind together, in golden and indissoluble alliance, a righteous government with a loyal population.

I beg to send your Lordship a corrected copy of my speech at the late Edinburgh meeting.

I have the honour to be,
My Lord,
Your Lordship's most obliged
and obedient servant,
THOMAS CHALMERS.

The Right Hon. Lord Aberdeen.

Dr Chalmers to Lord Aberdeen.

Edinburgh, March 5, 1840.

MY LORD,

I have only time to say that I cannot adequately express the vexation I feel respecting the election in Perthshire, unknown to me till the steps were actually taken, and wholly unauthorized by any deed of our Committee. My amanuensis has not yet returned; but so soon as he does, (perhaps in two days,) I will be enabled to present your Lordship with such

statements and explanations as I earnestly hope may have the effect of still attaching you to our cause.—[The remainder of this note commented on the proceedings connected with the interference in the Perthshire election.]

I have the honour to be,
My Lord,
Yours, with a heavy heart,
THOMAS CHALMERS.

The Right Hon. the Earl of Aberdeen.

Lord Aberdeen to Dr Chalmers.

Argyll House, March 10, 1840.

MY DEAR SIR,

You may be assured that I never for an instant supposed it possible you could be a party to the recent proceedings of the Church advocates connected with the Perthshire election. Nor could I believe, notwithstanding the assurances which I had received from Edinburgh, that the Committee itself, as a body, was in any degree cognizant of them. Your letter, which I received yesterday morning, confirmed my conviction, and was most welcome. I have lost no time in communicating the real state of the facts to the Duke of Wellington and Sir Robert Peel; but you must be aware that I have had great difficulty in persuading those persons with whom I usually act, that the questions which now agitate the Church have no political character, and ought to be regarded without any reference to party politics. After what has passed, it is impossible for me to hold this language to the Conservative party with any hope of success, unless the Committee, by a formal resolution, shall disavow the conduct of Mr Dunlop, and in the strongest manner repudiate all connexion with any political object.

The conduct of Mr Dunlop has been most injurious to the success of his own views, and to the views of the Committee,

of which, as their secretary, he was in some sense the accredited organ. But of this it is for the Committee to judge. I cannot help observing, however, that after the communications which had passed with myself and others, it appears something like the breach of an honourable understanding, that he should voluntarily have placed himself at the head of an opposition to such a declaration as that made by Mr Home Drummond, on the ground of its insufficiency.

I hope, after all, that the practical result of the election may be of use. Had Mr Dunlop succeeded, your cause in Parliament would have been utterly hopeless; it would have been impossible to have controlled the feelings of indignation to which it would not unnaturally have given rise. As it is, those who win are generally disposed to be placable, and I hope will be induced to look favourably at the subject. It will be of use, in proving to the Government that those persons are not to be trusted who tell them that, by means of the Non-Intrusion cry, they will change the whole representation of Scotland. It will be of use, also, in bringing some of your colleagues to more reasonable and moderate views, if they are really desirous of seeing this question settled and peace restored to the Church. There are some "disturbed spirits" whose element is agitation, and who, I much fear, do not greatly desire this settlement; but these I hope will now be somewhat quelled.

I do not know what is the intention of the Government; but I think that I see a growing desire among all parties to leave the Assembly to itself, and to let it redeem the fatal error of last year. This is not my opinion; but it accords conveniently with the indolence of those who have to grapple with the subject. It is also certainly true, that the monstrous pretensions of the Assembly leave us no security that any measure we may adopt will prove satisfactory, and produce the desired effect. I think, however, that this should not deter us from making the attempt. I would recognise, with the utmost kindness and liberality, the rights of the Church and the real wishes of the people, and endeavour to give effect to those wishes. But we cannot neglect law and justice, or the precautions necessary for the due administration of the Government of the country. You are sufficiently aware

of my sentiments to make it unnecessary for me to trouble you further on this subject at present.

Believe me,

My dear Sir,

Very sincerely yours,

ABERDEEN.

Rev. Dr Chalmers.

Dr Chalmers to Lord Aberdeen.

Edinburgh, March 10, 1840.

MY LORD,

I have endeavoured, in letters to Mr Colquhoun, which I beg may be sent to your Lordship, to explain the part, or rather the no-part, which the Committee have had in the proceedings of Mr Dunlop in Perthshire. There was one occasion (some weeks ago) on which I thought it possible that the negotiation on their part with your Lordship might have presented a semblance of bad faith. Your Lordship had been made to understand from myself, that though I would rather the Legislature had recognised our power to deal any way with the question, so as still to continue with us the rights and temporalities of an Establishment when we either made particular decisions or general laws on the subject of Non-Intrusion; yet that I, for one, should acquiesce if your Lordship could be brought up no further than thus to acknowledge our judicial power, and make us in the exercise thereof free from the control and interference of the civil court. This, I gave you reason to understand, was my mind, and I thought the Committee had given you reason to understand it was their mind also. I therefore felt uneasy when I perceived a tendency to rise in their demand, and more especially as it seemed their disposition to lose sight of the less measure, as an alternative which they were prepared to fall back upon, if they could not get a larger. After two very anxious meetings on the 10th and the 13th of February, I got them still to recognise the less as the minimum which they would take if they failed in obtaining the maximum, which has ever been my own optimism of the question—to wit, that the

Church should not forfeit the benefits of an Establishment when giving effect in any way she saw best to her own views on the subject of Non-Intrusion.

There were two circumstances which led the Committee to furnish their deputation, not with one measure, but with a choice of measures when we sent them to London. *First*, This had been as good as already done by the bill that we had put into the hands of the Lord Advocate before even the first communication we held with your Lordship. That bill, along with a sketch of one which I put into your Lordship's hands, seemed to mark two extremes within which the deputation might range in their negotiations. We could not suppress the bill in the hands of the Lord Advocate previous to our communication with the Government, and more especially as we had been told by all parties that the measure ought to originate with them. Our instruction, therefore, was not that the deputation should limit themselves to A measure; but take THE measure within the prescribed limits which had the greatest likelihood of passing through both Houses of Parliament.

The second reason, which made all this the more necessary, was, that the Committee had heard, whether correctly or not, of your Lordship having written to the Dean of Faculty that we had now given up the Veto Law. Now, I beg that your Lordship will be pleased to observe the difficulty which this report placed us in. It just enabled the Dean and his friends to reiterate the ambidextrous charge which he ever and anon prefers against us throughout his pamphlet—telling us at one time that we had laid ourselves at the feet of the people, and at another, that as it was all a movement for power to ourselves, we were ready to give up the people if we could but secure that object. We felt it quite imperative in these circumstances, that, as we had neither our own power nor the power of the people in view, but simply a good measure for securing efficient ministers, we should present at least a choice of two, and thus lay it upon other parties, and not upon ourselves, to decide whether the measure should be such as to expose us to the reproach of adversaries in the form of the first or in the form of the second of these objections.

Having said this much, I beg leave to present your Lord-

ship with observations which I had begun to prepare so far back as the 27th of February.

I have received your Lordship's important letter of the 22d, and regret that the daily preparations and work of my class make it impossible for me to frame an immediate and yet sufficiently full explanation on the various points contained in it. I feel assured that the great importance of the subject will secure for me your Lordship's indulgence, although I should go at some length into the particulars of the proposed arrangement.

Your Lordship is already aware that what I hold to be absolutely the best arrangement would be, after reserving the initiative for the patrons, to recognise the full power of the Church to deal both legislatively and judicially with every question which relates to the ordination and admission of ministers. This is a power which inherently belongs to her, which all Dissenting churches exercise, and which she did not receive from the State, along with the temporalities of an establishment, when the two parties entered into connexion. The State, no doubt, has a right to be satisfied with the Church ere it grant her these temporalities. It has even a right to say, that we allow these temporalities on the condition only that you confine yourself to the exercise of certain of your powers, and forbear the exercise of certain others. The Church may consent to this limitation, and do it on the ground of right principle too, because in consideration of the immense good of a legal provision for a clergy, whose office it should be to supply the families of the land with the lessons of the gospel. To apply this to our present subject:—The understanding between the two parties might be, that the Church holds her temporalities so long as she treats the matter of the admission of ministers judicially; that is, on her own view of the merits and specialties of each particular case, without being compelled by a general law to conform herself to one authoritative rule; but that she forfeits these temporalities when she refuses a presentee, in virtue of her having ordained such a rule. The limitation, according to this way of it, would not be on the powers of the Church, but on the bounty of the State. In consequence of this principle being too often out of sight, there is a wrong

style of legislation by the State on ecclesiastical subjects, as if the State conferred her powers on the Church, or created or ordained them; and hence the famous assertion of the Dean of Faculty, that the Church of Scotland is the creature of the State, an institute altogether of statutory appointment, and deriving all her powers from the law. Now, we hold that the statute did not ordain her powers: it only recognises them. It ordains for her certain temporal benefits; and the proper drift of an enactment is, that these benefits she shall continue to hold when, in the exercise of the powers which belong to her as a Church, she proceeds in a certain definite way to the accomplishment of certain objects; therefore forfeiting these benefits if she go out of this way. Agreeably to this, and holding as I do that it were best if she were left to the full exercise of her powers in this matter, the bill most agreeable to my views would be, that "the Church should not forfeit the rights and endowments of a national establishment, when, in the exercise of her powers, she deals in the way that seemeth unto her good, whether legislatively or judicially, with every question which relates to the ordination or admission of ministers into parishes."

Still, if the State will limit herself to the endowment of the Church only when she limits herself to the judicial treatment of such questions, this is a boon which the Church ought not to decline. And she does not on this account give up her legislative power—only if she do in any instance exercise it, she in that instance gives up her endowment. It might be very foolish in her to do so; and had she foreseen this consequence, she would not have done so in the case of the Veto Act; but having done it, the legal courts may, and have dissevered the temporalities from the charge. The grand error lay in the legal court going further than this. Its interdict in the case of Lethendy, was withstood by a unanimous Commission of the Assembly. Its interdict the other day has been withstood by the unanimous Presbytery of Edinburgh—including *Dr Muir*, Dr Brunton, Mr Grant, and all the moderate brethren. It has also been condemned by an almost unanimous public.

I do not recur (at least as far as my own individual wish is concerned) to the proposal of a legislative as well as judicial power in this matter, for the purpose of rising on the demands

already made by me, both in correspondence and conversation with your Lordship. But it is for the purpose of giving you my honest assurance that I think you might, with perfect safety, go this length; and if so, it would be in the highest degree politic and expedient to do so. The Church, with the eyes of the public now more upon her than ever, and after the severe discipline and experience of these few years, will be as wary in her legislative acts as in her judicial actings. It may be said, did she not enact the Veto Law? She did so under the miscalculation that patrons might have seen how, in this form, their powers were far less trenched upon than if she had required even but one-third or one-fourth of the communicants to come forward and signify their consent by a positive call. This would have been a far worse condition for the patron, and his will would have been much oftener frustrated than by our laying the burden of the movement on the dissentients, and requiring no less than half the communicants to come forward and signify their dislike to the presentee. And as it is, I have no doubt that the Church is most abundantly willing to modify that law. It is a mighty check on the waywardness of the people, and against a foolish veto, that they must give their reasons; and it is a mighty barrier against a corrupt veto, that the Church may decide on the motives of the resistance, if not on the reasons or grounds of the resistance. This last provision would have reconciled Sir James Graham to the measure, and I should look with all confidence from the operation of these two checks to a tenfold reduction in the number of vetoes—so that the whole operation of the law would come to be a silent and reflex one, acting on patrons by making them far more careful in the selection of the presentee; and, what were of infinitely greater importance still, acting on presentees by making them far more careful in their preparations for the ministry.

Let me confess to your Lordship the chief anxiety which I now feel on this subject. It is, lest in Parliament the friends of Government do the same thing which they seem to be now doing in miniature at the election of Perthshire*—that is, go beyond their opponents in the popularity of their

* This was written on the 28th of February.

measure, and with no other view than to make their own harvest of the consequent division; thus sacrificing the patriotic object of a settlement to the party object of their own politics. In these critical circumstances, it is obviously of first-rate importance that the Conservatives should be aware how far they might go with wisdom and safety. I feel persuaded that, as a body, they will make no compromise of principle; and it is therefore all the more desirable that this principle should be in ready coalescence with the full extent to which the element of the popular will might be carried in the election of ministers. In a word, I should like if they could, consistently with their own views of right and duty, not only be upside with the Whigs, but if they could so far outrun them as to make the measure their own. Your Lordship already knows, that supposing the first, which is really the greatest interest connected with this question, secured—I mean the spiritual independence of the Church on the civil courts—you already know how small the measure of Non-Intrusion is which would satisfy many of us; but this does not supersede the question, or make it useless, how large the measure of Non-Intrusion might be, that would not prove hurtful to the Church as a pure and efficient institute for the Christian education of the people. Now I confess to a very great latitude and very great elasticity of sentiment on this question; insomuch that, while I had rather your Lordship's dislike of the Veto Act, even as it stands, had not been so strong, I was not sorry at the form in which you expressed it, when you said that you would rather the system of popular election. Now, though this be a system which I am not at all desirous of, it is one which I am not at all afraid of. There is one element which is constantly overlooked, when people express their apprehensions lest the Church should be subjugated to the will of the people, and that is the distinct and independent element of the Church's power, in virtue of which we can raise the qualifications of our licentiates and ministers to any degree we like, and have the same independent treatment of the whole affair with the presentee, who combines both the choice of the patron and the concurrence of the people, as we ever had with the presentee who stood before us in possession only of the first of these elements, and

without the second: * and you have always the check of the presbytery against a wrong election, just as much as you had the check of the presbytery against a wrong presentation; and I really would implore the attention of the Conservatives to the proposal—now that it is quite manifest the only aim of the Whigs in this question is to out-jockey their political opponents, and to advance themselves—whether it were not best to counteract this by a recurrence to the state of matters in 1690? This is a large, liberal, comprehensive measure, which would at once set you free of the wretched rivalry between greater and less degrees of Non-Intrusion, between one modification and another of the Veto Act. It would take from the pests and disturbers of the Commonwealth who are now in power, that topic of agitation by which they expect to keep Scotland in a ferment, out of which something might cast up for themselves. This is the favourite scheme of Mr Spottiswood, and I believe he would get many of his class to fall in with it. It ought to set the question for ever at rest. It should never be forgotten that the Church was never more efficient as a Christian and moral institute than from 1690 to 1712, and that, in opposition to the lying preamble of Queen Anne's Act for the restoration of Patronages, there had only occurred fourteen disputed cases in twenty-two years.

Your Lordship is aware, that while I think there are many different ways in which the question of Non-Intrusion might be settled, I look on the question of the Church's spiritual independence as one that admits of no compromise whatever. This is the theme on which I find the Conservatives most impracticable. The Church, I hope, will sooner consent to break up as an establishment altogether, than make any submission to the mandates of the Court of Session, when they offer to intermeddle with a single element of the clerical office beyond its temporalities.

But I have no heart for the prosecution of these general themes any farther, and would now turn me to this wretched matter of the Perthshire election.

I have dictated thus far from previously-written short-hand. And as I yesterday, and the day before, wrote two long

* Stopped here, and did not resume till the 6th of March.

letters to Mr Colquhoun, and am now employed in preparing a third, I shall refer your Lordship to these, and will not write farther to your Lordship unless you desire it.

I have great pleasure in my occasional intercourse with Captain Hamilton, who wishes particularly that your Lordship should see at least the first of the letters (dated the 9th of March) which I have written to Mr Colquhoun.

I have the honour to be,
My Lord,
Your Lordship's most obliged
and obedient Servant,
THOMAS CHALMERS.

The Rt. Hon. the Earl of Aberdeen.

Dr Chalmers to Lord Aberdeen.

Edinburgh, March 12, 1840.

MY LORD,

I had the satisfaction of receiving your Lordship's letter of the 10th, this morning. With all you say on the subject of an honourable understanding, I perfectly sympathize. I was greatly distressed some weeks ago, that this might have been your feeling then; and I hope that the explanation given in my letter of yesterday, was satisfactory to your Lordship.

But however much you may think that the Committee have veered on the subject of Non-Intrusion, there is at least one principle in which both they and I have maintained the most unfaltering consistency. We cannot, my Lord, give in to the power of the Court of Session on matters ecclesiastical. I have sent off a letter this day to Mr Colquhoun, in which I have quoted from the Conservative declaration of Perthshire a sentence that would fulfil all my wishes, if translated into an Act of Parliament. I beg to reiterate my earnest assurance that the Church might with all safety be left, in the terms of that declaration, to the management of its own internal affairs. May He who turns the hearts of men whithersoever he will, obtain for us a sufficient concurrence

among men in power, for carrying so blessed an arrangement into effect!

I grieve to think that the Committee, while it consented to a very tame disclaimer of all participation in Mr Dunlop's movement, should not have acquiesced in my indignant disavowal of our having any political views. May I beg your Lordship's attention to my letter of the 10th to Mr Colquhoun, in which the resolution is found that I wished to be adopted? Your Lordship's letter of this day, enhances the regret I feel at the disavowal not having been consented to by the Committee, as well as the disclaimer.

I have the honour to be,
My Lord,
Your Lordship's most obliged
and obedient Servant,
THOMAS CHALMERS.

The Right Hon. the Earl of Aberdeen.

I beg pardon for troubling your Lordship with the enclosed speech. It is but frank and fair that your Lordship should know how tenacious and inflexible I am on the subject of Independence, while on the subject of Non-Intrusion I feel myself at greater liberty.

Dr Chalmers to Lord Aberdeen.

Edinburgh, March 23, 1840.

MY LORD,

This is the day on which the Government promised to give us their answer. I have no conception what it is to be; but I cannot resist the anxiety I feel, that it may be such as will meet your Lordship's concurrence. Pardon me, if I reiterate my conviction, that with an endowed and educated clergy, there is no danger of disorganizing the Church by giving in too much to the element of the popular will, with the full command that we shall have of the qualifications of our licentiates, by indefinitely raising the standard of their education; and also our full command of the qualifications of our communicants, by raising indefinitely, it is to be hoped, their moral

and religious character. The precise limit between the ecclesiastical and the secular is, I think, beautifully delineated by Mr Campbell of Monzie, in his declaration on the Perth hustings—a declaration fully acquiesced in by Mr Drummond,—"That the power of the patrons and the civil courts should entirely cease so soon as the presentee is handed over to the Church Courts."

I have the honour to be,
My Lord,
Your Lordship's most obliged
and obedient servant,
THOMAS CHALMERS.

The Right Honourable the Earl of Aberdeen.

Lord Aberdeen to Dr Chalmers.

Argyll House, April 4, 1840.

MY DEAR SIR,

You will have seen from the public papers that I have undertaken to introduce a Bill into Parliament for the purpose of attempting to heal the present distractions of the Church. Had the Government afforded the least hope of their interference, or rather had there not been a certainty that they would do nothing whatever, I should never have ventured to take the matter in hand. As it is, if men shall be disposed to seek peace, and to listen to the voice of reason and moderation, it is possible that something may be accomplished. The circumstances of the moment are in some respects favourable. But if exaggerated pretensions and violent opinions are to prevail, I can only anticipate a futurity of discord, confusion, and ruin to the Church as established by law.

I propose to introduce the Bill immediately after Easter; and of course I shall be happy to receive any suggestions from yourself, or others, which may be calculated to render the measure less defective: these, whether adopted or not, I will carefully and anxiously consider.

My chief object in writing to you at present is to explain

to you, that the principle of my measure will be founded on the recognition of the judicial powers of the Church Courts in the matters in question,—very much in accordance with your own views of that which, though not the most desirable, might be regarded as the most practicable solution of the existing difficulties. I am desirous of stating this without delay, in consequence of some communications with Mr Buchanan and Mr Dunlop before their departure from London.* I had mentioned to them the project of an enactment by which the call should be rendered more effectual, and thus accomplishing the object desired, by obtaining an assent on the part of the people. For some time I regarded this project with favour, and was very desirous of carrying it into effect. Further examination and reflection, however, have convinced me that it would be quite impracticable, and I have therefore abandoned it altogether. I do not propose to interfere with the call as it exists at present, however anomalous its form and character may be. But it is my intention that the objections to be urged against the presentee should be stated either at the time of moderating in the call, or, at all events, previous to his trials by the presbytery.

I shall feel obliged to you if you will have the goodness to communicate the substance of this letter to the Committee, and especially to Mr Dunlop and Mr Buchanan, in order that no misapprehension may exist with respect to the principle of the measure which I have in contemplation.

I am, my dear Sir,

Very sincerely yours,

ABERDEEN.

The Rev. Dr Chalmers.

Dr Chalmers to Lord Aberdeen.

Burntisland, April 16, 1840.

MY LORD,

I was much relieved, when attending the Committee on Monday, to find that their understanding was the same with

* This meeting was on Monday, March 30. Lord Aberdeen did not form his resolution to propose any measure until the following day, and only after communication with those with whom he is in the habit of acting.

my own—even that there was no call for any immediate deliverance of opinion on the question which has engaged so much of your Lordship's attention.

I will not trouble your Lordship with any more specific suggestions than those which I have already offered in consequence of the kind permission by which your Lordship has honoured me. Let me only take the liberty of saying in the general, that the more large and generous and ungrudging the measure shall be which your Lordship intends for us, it is my clear and confident opinion, first, that no possible danger can accrue therefrom to the Church by its constitution being made too popular; and secondly, that the greater the movement may be which you shall make in this direction, the more readily will the measure pass, and the greater will be the satisfaction and gratitude both of the Church and of the country for the service which they shall have received at your hands.

I have recovered the sentence from Sir George Clerk to which I referred in my last. It is as follows:—"The leading features of the plan that were suggested were these, that full opportunity should be given to the people to express their dissent; that they shall assign for the information and consideration of the presbytery the ground of their objections to the presentee; and that the presbytery, subject to the review of the Church Courts alone, shall have full and uncontrolled power to decide judicially on the fitness or unfitness of the presentee for the particular parish, as their conscience and sense of duty might direct, on the consideration of all the circumstances of the case—they being free either to admit or reject the presentee, without being bound either by the numerical amount of the objectors, or the precise nature of the reasons of dissent assigned."

With many thanks for all the indulgence which I have received from your Lordship,

I have the honour to be,
My Lord,
Your Lordship's most obliged
and obedient servant,
THOMAS CHALMERS.

Lord Aberdeen.

Mr Dunlop to Lord Aberdeen.

Union Hotel, (Cockspur Street,) April 21, 1840.

My Lord,

I have learned from my friend Mr Hamilton, in a letter received from him before I left Edinburgh, and again since my arrival here, that in bringing forward a measure for the settlement of the subsisting differences in the Church of Scotland, your Lordship appeared to consider the communications formerly made by the Assembly's Committee as warranting you to rely on their not objecting to the principle of the measure now contemplated by you. To prevent any misapprehension on this head, I use the freedom to recall to your Lordship's recollection the substance of the last written communication from the Committee, and of the statement I had the honour to make to your Lordship on the subject when last in town.

In a letter, of date February 4th, written by direction of the Committee, I stated that, understanding you to agree "that the Church Courts should have the power to reject a presentee, in consideration of the continued opposition of the people, although they should think the reasons assigned for that opposition as frivolous as that in the case supposed by your Lordship—his hair being red," your proposal, the principal feature of which was, that the Church Courts were to decide each case free from the restraint of an unbinding rule, would receive from the Committee "an attentive and favourable consideration."

This was the utmost extent to which the Committee went; and when at night, with Mr Buchanan, I had the honour of an interview with your Lordship, immediately after we had received the final answer of Government, I availed myself of the opportunity to acquaint you, that the Committee had given to your proposition the most attentive and an anxiously favourable consideration; but that the longer they considered it, the *more formidable did the objections to it appear to them.* I shortly adverted to the nature of these objections, and added, that the decided opposition which I had ascertained would be given in Parliament to a measure founded upon it, would

very strongly confirm and greatly increase the repugnance felt to it in the Committee.

In this state of matters, I am not aware of any grounds on which your Lordship can continue to rely on the Committee not objecting to the measure now contemplated by your Lordship, and of which the principle, as stated in your letter to Dr Chalmers, is the same with that of your former proposition; and I deem it right to remind your Lordship of the circumstances above detailed, to prevent misapprehension and future misunderstanding.

I cannot refrain from at the same time expressing my very deep regret at the change, since our interview, in your Lordship's views, both as to the nature of the measure to be proposed, and as to your resolution to bring it forward independently of the concurrence of the Committee. I felt very highly gratified indeed with the conversation then had with your Lordship—gratified at your kind reception of myself, and still more so at the prospect of a satisfactory and permanent settlement held out to us. It afforded me the first gleam of hope which, individually, I had for long ventured to entertain of speedy relief from our present difficulties; and although I do not despair of an ultimately happy issue out of our troubles, I now look forward to the certainty of a long period of painful conflict, and the possibility, if not the probability of the overthrow of our Establishment.

I have the honour to be, with much respect,
Your Lordship's very faithful servant,
A. Dunlop.

The Earl of Aberdeen, K.G., &c. &c.,
Argyll House.

Lord Aberdeen to Mr Dunlop.

Priory, April 24, 1840.

Sir,

I am not aware of any such misapprehension as that to which you refer in your letter. From a personal interview

with the Non-Intrusion Committee, and from their subsequent communications with myself and other Members of Parliament, I certainly felt justified in believing that they were disposed to view with favour the principle of the measure which I intended to introduce into Parliament. But there were many reasons which led me to think it very possible that I might not receive the support and concurrence of the Committee, at least as a body. I am willing to suppose that the Committee and its members will act in such a manner as they feel to be required by a sense of duty to themselves, to the Church, and to the country. I trust they will give me credit for being influenced by similar motives.

It is necessary that I should correct one part of your letter, in which you appear to think that my views had undergone some change with respect to the nature and character of the legislative measure best calculated to terminate the dissensions at present existing in the Church. This is by no means the case. Such as my views were, as explained to the Committee in the month of January, such they remain at this moment. In the interval, I have considered and discussed the merits of various projects; but reflection and examination have confirmed my conviction, that none other would be constitutional, safe, or practicable.

I cannot say that I do not in some degree share the apprehensions which you express at the close of your letter, of the increasing difficulties of the Church, and even of the overthrow of the Establishment. At the same time I hope and trust, that your anticipations may prove to be too gloomy. Should this calamity, however, befall us, I much fear that it will not be produced by the enemies of the Church, but by the mistaken perseverance in a course which may too probably alienate its friends, and perpetuate distraction among its members.

I have the honour to be, &c.

ABERDEEN.

A. Dunlop, Esq.

Mr Dunlop to Lord Aberdeen.

Union Hotel, April 25, 1840.

My Lord,

My purpose was not to dispute that your Lordship had had reason to believe that the Committee were originally disposed to receive with favour the principle on which your Lordship now intends to found a legislative measure, but to remind you of what I had stated at our last interview, that on full consideration, and a most favourable consideration, it appeared to the Committee liable to the strongest objections, although, unquestionably, one or two members continue to view it as favourably as ever. I believe that your Lordship only does the Committee justice in supposing, that they will be actuated by a sense of duty to themselves, to the Church, and to the country; and I can assure your Lordship, that even those of them who differ most from you, give your Lordship full credit for being influenced by the same motives.

Your Lordship has misapprehended me in supposing that I considered your present views to be different from those held by your Lordship at the date of your first communication with the Committee. I referred exclusively to the change in regard to the *call*, which, as the basis of a measure, your Lordship, at the meeting with Mr Buchanan and myself, seemed to view with favour, but which, on further reflection, as you intimated, you abandoned as impracticable.

I shall, indeed, rejoice if my forebodings be not realized; and, so far, I concur with your Lordship in being convinced that the enemies of the Church will not effect her overthrow, unless aided by the mistaken conduct of her friends. Whether, if that sad event do come, the blame will be on those of them who follow the course approved of and pointed out by her foes, or on those who act in the way which her worst enemies are the parties most violently to oppose, it will then be bootless to enquire; and I trust we shall at least be preserved from adding the bitterness of a useless recrimination to the common evils which the downfall of the Church will bring upon us all.

I have the honour to be,

My Lord, your most obedient servant,

A. Dunlop.

The Earl of Aberdeen, K.T., &c. &c., Argyll House.

Lord Aberdeen to Dr Chalmers.

Argyll House, Tuesday night, May 5, 1840.

My Dear Sir,

I cannot retire to rest this night without informing you that I have presented a Bill to the House of Lords, having for its object the termination of those unhappy differences by which the Church of Scotland is distracted.

In framing this measure, I can truly say that I have been solely animated by a desire to confirm and promote the stability and prosperity of our national establishment. It is certain, however, that in making this attempt I may encounter the opposition of many in Scotland, whose support of the Bill would afford me the greatest satisfaction. Nevertheless, when the difficulty is considered of uniting the conflicting opinions of different persons upon this subject, as well as the imminent perils to which the Church is exposed, I may still hope to receive the concurrence of moderate men of all parties; and of all those who may not be deterred by conscientious scruples of an invincible character. The question is not now, so much, what is the best and most desirable measure, but what is practicable.

I deceive myself, if the report which you may receive from Mr Buchanan and Mr Hamilton will not show that, in all my communications with these gentlemen, I have evinced a sincere desire to meet their views to the utmost of my power; although, unfortunately, I may not in every instance have been able to adopt their suggestions. After all, however, I am well aware that the success of this measure will mainly depend on the reception with which it may meet from yourself. I believe that the peace of the Church is at this moment in your hands; for although, from the accident of birth and social position, I have had the means of proposing this measure to the Legislature, it will depend on you whether it is to receive life and efficacy.

I pray that you may be led by the spirit of wisdom; and that your great talents may be directed to the restoration of

peace and order, and to the happy union of all the real friends of the Church.

"Semper honos, nomenque tuum, laudesque manebunt!"

I am, my dear Sir,

Ever very sincerely yours,

ABERDEEN.

Rev. Dr Chalmers.

P.S.—I am happy to say that the Bill, as it was proposed, received the unqualified support of the Dukes of Buccleuch and Argyle, of the Marquis of Bute, and of Lords Haddington and Galloway. No indication of opposition appeared on the part of the Government.

Dr Chalmers to Lord Aberdeen.

Burntisland, May 8, 1840.

MY LORD,

I shall feel myself on all the better vantage-ground for advocating the course of unity and peace, if I find your Lordship's Bill lays no restriction on the *arbitrium liberum* of the presbytery—agreeable to the view formerly stated by your Lordship, and to the sentence written by Sir George Clerk, of which I transmitted a copy some time ago. Should this *arbitrium liberum* not be clearly and unequivocally expressed, or should any ambiguity rest upon it, this will give an advantage to malecontents, which it will be quite impossible for me or for any other to make head against.

I do hope, therefore, that whatever more may be in the Bill, there will be a clear and unchallengeable statement of the Church's competency to judge and to decide on all the circumstances which affect the Christian usefulness of the presentee in the particular parish to which he has been nominated.

I beg your Lordship will accept of my grateful acknowledgment for the kind and condescending, but greatly too generous expression of partiality by which you have honoured me.

I have the honour to be,

My Lord,

Your Lordship's most obliged and obedient servant,

THOMAS CHALMERS.

Lord Aberdeen.

Dr Chalmers to Lord Aberdeen.

Burntisland, May 12, 1840.

My Lord,

I have now examined the Bill; and it is with inexpressible grief and concern, that I am forced to confess myself dissatisfied. Such is my intense desire for adjustment and peace, that all my tendencies were on the side of putting the most favourable construction on every clause, and of labouring to harmonize with all my might its various provisions with that independence which belongs to a Christian church, and which we did not renounce in the act of becoming a national church. I little thought, my Lord, after my incessant attempts all last year to bring down others to the point at which I conceived your Lordship willing for a settlement, I should have met with a fresh obstacle in finding that your Lordship had taken up a position so much lower than I was counting on. I find myself in a situation precisely analogous to that I was unexpectedly brought at this time twelvemonth—when I had resolved to move the transference of the case of Auchterarder from the popular to the presbyterial veto, and was driven from that position by the speeches of Lords Cottenham and Brougham, which awakened the apprehension that even this presbyterial veto would not be sustained in the civil courts. Your Bill, my Lord, turns this apprehension into a certainty; and so conflicts with a principle which I have zealously advocated, both in speeches and writing, for four-and-twenty years—that the power of the presbytery was co-ordinate with that of the patron, insomuch that it lay within the competency of the Church to put an arrest upon any presentation for any cause which might seem unto her good. Such a power never will be exercised on the side of unjust severity to the presentee. The tendencies are all the other way; and the deviation from what is right, when they do occur, will ever be on the side of indulgence.

But the obligations which consistency and principle lay on myself personally, are of infinitely less consequence than the reception which the Bill is likely to meet with from the Church, and its effect on the interests of religion, should it pass into a law. Instead of going piecemeal over the particulars in this

letter, I crave your Lordship's attention to the notanda which I have written down in the inclosed copy of the Bill. I most earnestly implore your Lordship's consideration of them; and I do so in the firm belief, that on the reception which your Lordship shall be pleased to give them, hangs all the difference between, on the one hand, a peaceful settlement of the question, and, on the other, the painful continuance of all those evils and distractions which are incidental to the present agitated condition of the Church.

The three things which are fatal to the Bill, are, first, the obligation laid on the Presbytery to give its judgment exclusively on the reasons, instead of leaving a *liberum arbitrium* in all the circumstances of the case—it being well known that the parenthetic clause, in which it recognises something like a general survey of these circumstances, can have no force in law. Secondly, because the Bill, in its whole tone and structure, subordinates the Church to the civil power in things spiritual; and that by a directory so minute and authoritative, as to lay us open at every hour to the hazard of civil coercion and to the infliction of pains and penalties. It is on this ground that I have put a mark of erasure on the whole of the concluding paragraph—its provisions being quite unnecessary, and there being no precedent for any thing similar in any of the former Acts of Parliament respecting patronage. Thirdly, it is substantially the same measure with that which was moved for by Dr Cook and rejected by the Church—although the Church's acquiescence would have implied no more than a temporary subjection to an act from which she could have released herself at any time: whereas, my Lord, and this is a most important consideration, the submission of the Church now to the same act from the hands of the Legislature, would bind us irrecoverably and for ever to a state of the law from which we had no power of extricating ourselves—a condition in itself most painfully humiliating, and in virtue of which we should be restrained from adapting our ecclesiastical arrangements to the exigencies of future times, or from profiting by the lessons of experience. This, truly, is not the way to uphold the cause of establishments against the Radicals and Voluntaries, who would rejoice in the prostration and overthrow of the Church, as the sure precursor of that anarchy which they are now doing every thing to speed forward.

I feel it due to your Lordship and to the cause, thus explicitly to make your Lordship aware, both of my objections to the Bill, and of my thorough conviction that, in its present form, it will meet with a determined opposition from the decided majority of the Church. I need not inform your Lordship of the pain it will give me if placed under the necessity of taking part in that opposition. But should I find myself in this distressing predicament at the next meeting of Assembly, it will be some satisfaction to be able there to appeal to this correspondence in vindication of my desire for peace, and for an escape from consequences which will then be inevitable. Should your Lordship see it to be consistent with your duty to adopt the alterations suggested, your Lordship will of course know how to make the public aware of it in such a form as might warrant the Church to proceed on that understanding.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

THOMAS CHALMERS.

Lord Aberdeen.

The copy of the Bill proposed to be altered by Dr Chalmers, referred to in the preceding letter, was as follows.

The preamble was not touched, and the Bill left as a declaratory Bill. The remainder was proposed to be altered according to the omissions or alterations contained in the notes, and partly indicated by the brackets in the text:—

And whereas it is expedient to remove any doubt which may exist as to the powers and jurisdiction of the Church as by law established in Scotland in the matter of collation, and to declare the right of the Church to decide that no person be settled in any parish or benefice having cure, against whom or whose settlement in such parish or benefice there exists any just cause of exception. May it therefore please your Majesty that it may be declared and enacted; and be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same—that when a presentation to any benefice within that part of the United Kingdom called

Scotland, by the undoubted patron, has been laid before the presbytery of the bounds, it shall and may be lawful for the presbytery, as part and as the commencement of the proceedings in the examination and admission of the person so presented for the cure of that parish, to appoint him to preach in the church of the said parish at such times and in such manner as the presbytery may direct, or as may be directed by any regulations of the General Assembly to that effect; and after the presentee shall have preached in the parish church according to the directions of the presbytery, the presbytery, or a committee of their number, shall meet, after due notice, at the said church, and shall intimate that if any one or more persons, being in regular communion with the church, and of full age, and standing upon the communion-roll of the parish, to be made up in such manner as the Church may direct, have any objection of any kind to the individual so presented, or any reason to state against his settlement in that parish, and against his gifts and qualities for the cure of the said parish, but which objections or reasons do not infer matter of charge against the presentee to be prosecuted and followed out according to the forms and discipline of the Church, the presbytery are ready, either then or at their next meeting, to receive the same in writing, or to write down the same in their minutes, in the form and manner which such communicants may desire; which objections or reasons shall without delay be fully considered and disposed of by the Presbytery,[1] [by whom they are to be cognosced and determined;] or shall be referred by the presbytery to the superior church courts for decision, as the presbytery may see cause, the presentee and all parties having interest being heard in either case on the same.

II. And be it further enacted, that if the presbytery or other church court shall be of opinion,[2] [due regard being had to the whole circumstances and condition of the parish, and to the spiritual welfare and edification of the people,] that, in respect of any of the said objections or reasons,[3] the indi-

[1] The words within brackets proposed to be omitted, and the words "in the manner hereinafter specified" to be inserted.

[2] Words within brackets proposed to be omitted.

[3] Proposed to be inserted—"OR in respect of the whole circumstances or condition of the parish, and of what is required by a due regard to the spiritual welfare and edification of the people."

vidual presented ought not to be settled in the said parish, the presbytery or other church court shall set forth and specify in their deliverance the special ground or grounds on which it is founded, and in respect of which they find that the presentee[1] [is not qualified for that charge], in which event[2] [they shall] intimate their deliverance[3] [respecting the presentee] to the patron, who shall thereupon have power to issue another presentation within the period prescribed by law.[4]

This second clause, as so altered, would stand as follows:—

II. And be it further enacted, that if the presbytery or other church court shall be of opinion, that, in respect of any of the said objections or reasons, or in respect of the whole circumstances or condition of the parish, and of what is required by a due regard to the spiritual welfare and edification of the people, the individual presented ought not to be settled in the said parish, the presbytery or other church court shall set forth and specify in their deliverance the special ground or grounds on which it is founded, and in respect of which they find that the presentee ought not to be settled in that charge; in which event it may and shall be lawful to the presbytery to reject the presentee, and to intimate their deliverance to the patron, who shall thereupon have power to issue another presentation within the period prescribed by law: all right on the part of the patron and presentee, under the presentation thus disposed of, thenceforth to cease and determine.

III. Provided always, and be it enacted, that it shall be in the power of the presentee, patron, or communicants, to appeal from any deliverance pronounced as aforesaid, which appeal shall lie exclusively to the superior ecclesiastical courts, according to the forms and government of the Church of Scotland as by law established.[5]

[1] Words within brackets to be omitted, and "ought not to be settled in that charge" inserted.

[2] Omit the words within brackets, and insert "it may and shall be lawful to the presbytery to reject the presentee, and to—"

[3] Omit these words.

[4] Insert—"All right on the part of the patron and presentee, under the presentation thus disposed of, thenceforth to cease and determine."

[5] "Whose decision thereon shall be final and conclusive."

IV.[1] And be it further enacted, that if the presbytery or other church court, after considering all the objections to the presentee, and all the reasons which may be stated against his settlement in that particular parish are satisfied, in the discharge of their functions and in the exercise of their authority and duty as ministers of the Gospel, and as office-bearers in the Church, that no good objection against the individual, or no good reason against his settlement, has been stated as aforesaid, or that the objections and reasons stated are not truly founded in any objection personal to the presentee in regard to his ministerial gifts and qualities, either in general, or with reference to that particular parish, or arise from causeless prejudices, the presbytery shall then repel the same, and, subject to the right of appeal as aforesaid, shall proceed to the further trials and examination of the presentee, and, if found by them to be qualified for the ministry in that parish, shall admit and receive him into the benefice, as by law provided.

Lord Aberdeen to Dr Chalmers.

Argyll House, May 14, 1840.

My Dear Sir,

I am persuaded that you are under a misapprehension in supposing that the Bill limits or restricts what you call the "liberum arbitrium" of the Presbytery in the matter of collation. The Bill only professes to deal with that part of the procedure which is connected with the objections of the people; and it recognises in the presbytery the full liberty to give effect to these objections, provided they assign in their deliverance the reasons for so doing. Whatever power of rejection on other grounds the presbytery may now possess, will remain precisely as it is, and cannot be affected by the provisions of this Bill. Should it be necessary, there would be no objection, by the insertion of some words, to render this clear.

With respect to the amendments or alterations you suggest, I would only beg to observe, that I have been under the neces-

[1] The 4th section proposed to be wholly omitted.

sity of framing this measure while the Veto Act is still maintained as the law of the Church: and I am left entirely in doubt what is the course which it is intended to adopt respecting it at the meeting of the Assembly. In point of fact, one of your proposed alterations would enable the Church practically to give effect to the Veto, which it is manifestly one of the objects of the Bill to exclude.

I have not thought it respectful, or indeed desirable, to enter into any stipulations on this subject; or to venture to point out publicly the course which in my judgment it might be expedient to pursue: but I can have no difficulty in stating to you, that if the Assembly should rescind the Veto Act, or any right of rejection on such ground, as incompetent, it should then feel disposed to adopt every modification which might be consistent with the spirit of that decision.

Neither would there be any difficulty in relieving you from the apprehension of an undue interference on the part of the civil power; the fear of which, I am persuaded, is purely chimerical.

I have the honour to be,
My dear Sir,
Very sincerely yours,

ABERDEEN.

Rev. Dr Chalmers.

Dr Chalmers to Lord Aberdeen.

Burntisland, 18th May 1840.

MY LORD,

Your Lordship's letter of the 14th I did not receive till this morning—my letters not being delivered on the Sabbath.

I am much comforted and relieved by its contents—holding out, as it does, the prospect of an adjustment; for though the difference be still of a vital character, yet, reduced as it is to one point, it is brought within a manageable compass.

Your Lordship seems to think that the Bill, as it stands, does

not limit or restrain the *liberum arbitrium* of the Presbytery. Now it appears to me, that it does so in one most important particular. The presbytery are restricted by it from giving effect to the conscientious dissent of the people, on the ground of the simple fact of that dissent, and irrespective of reasons. Even supposing that this were the alone restriction laid by your Bill on the *liberum arbitrium*, I hope to convince your Lordship of the insuperable barrier which it raises up in the way of its acceptance by the Church.

Let me put it thus to your Lordship:—

The Church thought so much due to the conscientious dissent of the people, that it passed a law, making it imperative on presbyteries to give way to such a dissent *in all instances whatever*. By rescinding that law, this ceases to be imperative; but your Lordship's Bill does not stop at this point. It furthermore lays down such a restriction, as makes it imperative on the Church to give effect to such a dissent *in no instances whatever*. How is it possible so to revolutionize the mind of the Church, that, after thinking so well of a principle as to have framed the device of a Veto law for the purpose of giving universal and unexcepted effect to it, she shall go round to the diametrically opposite point of the compass, and submit to a restraint by which she is expressly tied up, and it becomes impossible for her to give effect to that principle in any case, however conscientious she judges the dissent of the people to be, and that because they cannot put this dissent into a pleadable or presentable form? Let the parenthetic be only turned into a substantive clause, in the way I have taken the liberty to propose, and then the fact of a conscientious dissent stands open, with all other grounds, as a ground on which the presbytery may reject the presentee. To allow this, is not to reinstate the Veto law. The presbytery would no longer be bound by such a law to give effect universally to the dissent of the people; but that is no reason why she ought not to be free to give that effect severally in every instance when, in her judgment, it is for the Christian good of the parish that such effect should be given to it. Your Lordship's Bill would release us from the obligation of the Veto law; but it does more—it reverses the obligation: and whereas the law told us imperatively what to do in all cases, your Lordship's Bill

tells us as imperatively that we are not to do it in any case whatever.

The object of the Veto law was to give effect to the principle of Non-Intrusion—a principle which, by a solemn vote of the last Assembly, can never be abandoned. The present attempt of the Church is, either to get the civil sanction appended to that law, or to find some other way by which the principles might be carried into effect. An unexcepted *liberum arbitrium* would do it; though not in the best and most convenient way, yet in a way which the Church, I think, ought not to refuse. But the single exception made to this *liberum arbitrium* in the Bill, is the very exception which bars the Church from carrying the principle into effect at all. This, I hope, will both explain and vindicate the opposition now making to your Lordship's Bill in *its present form*. It cannot be expected that the Church, now attempting to extend the principle of Non-Intrusion, can willingly be driven back from the position which she occupied even anterior to the passing of the Veto law, by which law she endeavoured to extend the principle of Non-intrusion—whereas, your Lordship's Bill would effect the utter extinction of it.

I am quite aware, all the while, that your Lordship does allow the presbytery to give effect to the popular dissent upon the reasons. But such is the profound adaptation of Christianity to the human conscience, that a dissent on the part of a simple and religious people may be well grounded, though they cannot embody it in language, or present it to the presbytery in a tangible form. My own belief is, that wherever there is a real conscientious dissent, with or without reasons, it is not only an outrage on the sensibilities of the people, but a sore infliction on the moral and Christian interest of the families, that a minister should be intruded on them. But this is a wide subject; and I beg to send your Lordship the *Inverness Herald* of May 15th, which has come to me this morning, as containing one of the best statements I have seen upon this subject within so short a compass. Your Lordship will find it in the leading article of the paper.

I have written this *calamo currente* to save the post. I have not had time to make it short, nor, I fear, so distinct as otherwise I might have done.

It delights me to observe your Lordship's readiness, for which I desire, from my heart, to offer my best thanks, to admit a clause to secure an exception from all control and interference on the part of the civil courts. Our Committee report for the Assembly was written some days ago, in which they state their objections to your Lordship's Bill *in its present form*. I do hope that your Lordship will allow me to make any use of the letter received this morning, the effect of which must be in the highest degree conciliatory; and it is my earnest prayer, that it may be followed up by another letter enabling me to announce such a common understanding as will lead the Church, if not positively to approve of the Bill as absolutely the most desirable, at least to acquiesce in it as a good working measure, by our right administration of which we may secure the appointment of efficient clergymen; and thereby restore peace and contentment, along with the infinitely higher object of a pure and powerful ministry of the Gospel, in the parishes of Scotland.

I am now at Burntisland, but leave on Wednesday for Edinburgh. I shall look with great anxiety for your next letter, which, I hope, will come to me before or by the end of the week.

I have the honour to be,
My Lord,
Your Lordship's most obliged
and obedient servant,
THOMAS CHALMERS.

The Right Hon. the Earl of Aberdeen.

Lord Aberdeen to Dr Chalmers.

Argyll House, May 18th, 1840.

MY DEAR SIR,

Having had occasion to see the report of the recent proceedings of the Synod of Lothian and Tweeddale, and to mark the language of the men by whom it is directed, I am induced again to address you. It is not possible for me to believe that you can have any community with these persons; and I address

you because I wish to bring distinctly before you the state and prospects of the Church of Scotland, so far as the Legislature is concerned, as well as respectfully to represent to you the awful responsibility under which you are about to be placed.

I receive from all quarters, from the most pious ministers and most enlightened and respectable of the laity in Scotland, expressions of entire satisfaction with the Bill which I have lately introduced into the House of Lords: and many who might have wished that the measure had in some respects been different, are contented to accept it as the welcome means of restoring peace to the Church. But it is right you should know that the only intimation of any objection or opposition in Parliament to the Bill, has arisen exclusively from the opinion that I have recognised too great a discretionary power in the Church Courts—a power which, whatever may have been their pretensions, is held, and by high authority, to be unwarranted. While I state this fact, I perceive that I am at the same time accused by the present leaders of the Church of Scotland of endeavouring to depose the Redeemer from his throne! This, I presume, when divested of its extraordinary phraseology, means that I have attacked the spiritual independence of the Church. Now I hope I may, without great presumption, consider myself as one of the most sincere friends of the Church of Scotland in either House of Parliament;—but, with the prevalence of the opinions to which I have referred, I would ask what is the prospect, or what the possibility of any measure being adopted by the Legislature more favourable to the claims of the Church than that which I have actually proposed?

Notwithstanding the opinions entertained in Parliament on this subject, I feel confident of being able to carry the Bill through both Houses in its present form, provided it is acquiesced in by the Assembly; and that, too, without any proceeding by the Assembly on the subject of the Veto Act. It seems clear from the speeches in the Synod to which I have alluded, that no repeal of the Veto, by a declaration of the incompetency of the Assembly, is to be expected: but I think that Parliament would be disposed to regard the Act as a

nullity, and as possessing no force or validity against the law of the land.

The result, therefore, is now in your hands. It is for you to consider, with the admitted necessity of legislative interference, and with the certainty that no measure will be sanctioned by Parliament more favourable to the Church than that which I have now proposed—whether you will prolong a state of things pregnant with danger to the Establishment, and which I am persuaded may but too probably lead to its destruction. I would venture, with as much solemnity as it is befitting me to assume, to point out the heavy responsibility of following such a course.

The measure may be defective; there may be many others preferable to it in every respect: but having received the entire approbation of so many learned and pious men, it is quite impossible that it should be essentially incompatible with the fundamental rights and interests of the Church.

I would beg, in conclusion, to refer to the sentiments of Mr Hamilton and Mr Buchanan, whom you sent expressly to confer with me on this subject. Mr Hamilton, although not entirely satisfied with the Bill, assured me before he left London, that he thought it such as, under the circumstances, the Assembly ought to accept. I have certainly no right to say the same of Mr Buchanan, because I have had no opportunity of conversing with him since the Bill was introduced, and I can therefore only speak from report: but at all events I feel perfectly persuaded that his opinions and his language would be found greatly to differ from the proceedings of the Synod of Lothian.

I have now only to pray that, by an effort of moral courage, you may save the Establishment from the dangers by which it is threatened. But whatever may be the course you may think it right ultimately to adopt, the convictions of my conscience assure me that I have performed my own part in the work, feebly perhaps and imperfectly, but honestly and with a single view to this great end.

Believe me, my dear Sir,

Very truly yours,

Rev. Dr Chalmers. ABERDEEN.

Dr Chalmers to Lord Aberdeen.

Burntisland, May 19, 1840.

My Lord,

In the hurry of yesterday's writing for the post, I omitted to say, that I always understood the Parliamentary measure which we are seeking to be a substitute for the Veto Law; and I can have no doubt, that by the acceptance on our part of any such measure, that law is superseded as a matter of course. Only we must not be restricted from doing judicially, and according to our own conscience, in particular cases, that which the law would have made imperative in all cases or, in other words, a full and unfettered *liberum arbitrium* would annihilate the whole difference between myself and your Lordship. I do not say the Church would oppose the measure even in this form; but it comes to the same thing practically, if the Church acquiesce.

I have often told your Lordship of a something I would like still better; but this does not hinder me from thinking that a settlement on the terms now specified, were infinitely better than no settlement at all.

I have the honour to be,
My Lord,
Your Lordship's most obliged
and obedient Servant,
Thomas Chalmers.

Lord Aberdeen.

Dr Chalmers to Lord Aberdeen.

Edinburgh, May 20, 1840.

My Lord,

I was not at the Synod, and hope to have a different motion to bring before the Assembly.

I feel the responsibility of my situation, and have long made up my mind to the principle, that any thing short of an unfettered spiritual power in the Church, would be fatal to its national establishment.

It will be some satisfaction to recollect, that in this principle I had the entire concurrence of Sir James Graham, Sir George Clerk, Sir William Rae, and I certainly did flatter myself that I at one time had the concurrence of your Lordship in this view.

The sole necessity for legislative interference is, that the temporalities may continue with the Church along with its independence in spiritual things. The best men of our Church, rather than surrender, will consent to be deposed or persecuted as the Legislature may choose to determine.

I can assure your Lordship that the moral courage necessary at the present crisis, is to defend our Church from the invasions which, for a hundred and fifty years, had never been attempted either by our Courts or in Parliament.

I do hope, my Lord, that the letter sent two days ago, may not be altogether without effect. The comfort and relief which I felt in your letter of the 14th, have been sadly overcast by the one of date the 18th, received this morning. I have proposed the draft of a motion, and expect to have it approved of by a few leading men before submitting it to the Assembly.

May I refer your Lordship for further information to Mr Colquhoun, whom I have just written.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

Thomas Chalmers.

Lord Aberdeen.

Lord Aberdeen to Dr Chalmers.

Argyll House, May 21, 1840.

My Dear Sir,

You appear desirous of hearing from me again before the end of the present week; and I should be inexcusable if I did not avail myself of every opportunity of meeting all such difficulties as are capable of being removed by any fair explana-

tion of the measure which I have recently introduced into Parliament.

I perceive that two or three expressions in the Bill have given rise to much cavil and objection, and the import of which has been misunderstood; but these I should have no difficulty in altering, or omitting altogether.

On the whole, however, I have not much to add to my letter of the 14th, and I do not find that your last letter places the matter in any new light.

I repeat that I have not the slightest wish or intention to restrict in any manner whatever the *liberum arbitrium*, as you call it, of the Church Courts. In whatever manner it exists according to law, so let it remain. On this subject, I give no opinion, and make no enquiry. I wish to leave every thing as I find it. My Bill is declaratory in its character; and its object is to remove doubts, and exclusively to regulate that part of the procedure in the matter of collation which is connected with the objections of the people.

Let me recall to your recollection what is the state in which I find the Church. The House of Lords, in affirming the judgment of the Court of Session, has declared that a presbytery, by rejecting a presentee, on the sole ground that a majority of the male heads of families have dissented without any reason assigned, from his admission as minister, act illegally, in violation of their duty, and contrary to the provisions of the statute.

Now, this restriction is not imposed by my Bill, but by the existing law of the land. I apprehend, that no presbytery will be permitted in future to reject a presentee on such grounds; and it certainly was never my purpose to enable them to do so. The Veto Act, illegal and incompetent as it has been declared, is still the law of the Church. If I were in the Bill to recognise any such power as that which you propose by your amendment, I should enable the Church to give effect to that act which it is a main object of my measure to exclude—I should substantially legalize and establish the Veto, and thus perpetuate an act which has been pronounced to be illegal, and which I think mischievous, as well as stultifying myself. Could I have entertained any doubt on this subject, it would have been removed by the speech of Mr

Candlish at the recent meeting of the Synod. He observed, in objecting to the Bill, that if it had been worded as you now suggest, under cover of such a declaration, it would have been the duty of presbyteries to give effect to the conscientiously expressed dislike of the people. Of course, what is considered to be the duty of a presbytery would be as obligatory in practice as if enjoined by law. Mr Candlish, although greatly misrepresenting other portions of the Bill, understood this part of it correctly. He said truly, that it was only intended that the peculiar circumstances of some parishes should enable presbyteries to give validity to reasons of objection, which, in other cases, might have no weight.

The Bill, then, imposes no new restriction. I find the law clearly laid down and adjudged. I wish to come to the aid of the Church, and by recognising every possible exercise of jurisdiction in this matter short of that which has been declared illegal, to remove all doubts, and to declare the right of the Church to judge and decide as fully and as freely as any man ought to desire. I would just ask you to look at the clause of the Bill, and tell me what possible or imaginable ground of rejection is excluded, except that which the law has already prohibited?

I confess I am rather surprised that you should press this point so warmly. I can understand that persons, however erroneously, should think the people have a scriptural right, or an absolute right of some kind, to pronounce a veto on the appointment of ministers. In that case, the presbytery have no discretion and no responsibility. They are merely to record the decision of the people: this is at least intelligible. But that men, acting judicially, and under a high responsibility, should refuse to assign the reasons of their judgment, is a position which I cannot so well comprehend.

I perceive that some persons, in their speeches and writings, undervalue the Bill as doing nothing for the Church, and declare that they would prefer to fall back upon the old law. Now, it is true that the Bill, in my opinion, gives the Church no new powers: nor, indeed, was such ever my intention. It only recognises those which, by its constitution, it may be supposed to possess. But I would ask, if the neglect by the Church for so many years, and the present state of excite-

ment upon this subject, do not place the Church in a situation of great difficulty in the exercise of these powers? It is surely no small matter to have them set at rest, and legislatively recognised to an extent which a short time ago would have been thought unattainable. But although this is my own opinion of the legitimate powers of the Church, it is not shared by those who are more learned and able than myself: and I assure you that the great difficulty, indeed the only one, I should have in carrying this measure through Parliament, would arise from the large and extensive powers which it recognises in the Church Courts.

I have now only a few words to say with respect to the exemption of the Church Courts from the interference of the civil power. If this be not already done by the Bill, I am ready to provide for it in the most effectual manner, it being always understood that the Church Courts act within the law, and are not guilty of excess of power. For instance, suppose the people of a parish object to a presentee because he is nominated by a patron, and the presbytery sustain this objection; you would scarcely desire that this should be tolerated? I am quite satisfied that the civil courts have no wish to encroach upon the province of the Church, or to interfere with its spiritual jurisdiction: but I cannot consent to deprive the Queen's subjects of their remedy against possible illegality and injustice.

I cannot object to the request you make of referring to my correspondence in the Assembly, especially for the purpose of promoting conciliation and peace. My letters have been written very hastily; indeed, I have not retained copies of all of them, and I may have employed expressions at variance with my general meaning. Of course you will give a full and fair representation of my sentiments, if you think it necessary to allude to them at all.

Believe me,
My dear Sir,
Very sincerely yours,
ABERDEEN.

P.S.—You refer me to an article in an Inverness newspaper, which you mention with high praise, and which is

a laboured, and I think not very successful, defence of the Veto. But if you really adopt the sentiments expressed in that article, I should be tempted to doubt whether you fully understood the spirit in which I framed the Bill now before the House of Lords. The author says, that "no provision appears to be made by the Earl of Aberdeen's measure against the settlement of the most objectionable presentees in parishes by *corrupt presbyteries of the Church*. They may decide dogmatically and most tyrannically in certain cases, and become arch-intrusionists in the settlement of ministers." I say nothing of the degradation of the Church by which it is attempted to defend the Veto; but is it possible that you can join in this ground of objection to the measure which I have introduced?

Dr Chalmers to Lord Aberdeen.

Edinburgh, May 22, 1840.

My Lord,

I have just prepared for the *Witness* newspaper (printed on Saturday,) a copy of my short speech on the first day of the Assembly, and have ordered that it should be transmitted to your Lordship. I beg your attention to my brief allusion to your Lordship's Bill. I meant it as preparatory to the expression afterwards of my wish, that it should be made the basis of a negotiation with your Lordship.

I also beg to state, that the declaration which Dr Makellar did *not* sign, was got up by a party who are averse to any settlement short of the Veto or the Call; and it was that previous, and I think wrong, declaration, which I believe leavened the spirit and proceedings of the Synod of Lothian.

I beg your Lordship's particular attention to the conclusion of my speech; and have further to entreat that you will not suffer your mind to be prejudged by the representations of one party.

I expect to send you from time to time brief notices of what is going on. I will write, if God will, Mr Colquhoun this

evening, through whom I expect that you will be put in possession of further particulars.

I trust that I may very soon see Sir George Clerk.

I have the honour to be,
My Lord,
Your Lordship's most obliged and
obedient servant,
THOMAS CHALMERS.

I am in no way responsible for the lucubrations of the *Witness*. I know not what they are to be.

Lord Aberdeen to Dr Chalmers.

Argyll House, May 23, 1840.

MY DEAR SIR,

I think it necessary to address a few words to you in answer to your note of the 20th, received last night.

You say that it will be some satisfaction to you to recollect that, in the principle of your proposed amendment, enabling the Church to give effect to the mere dissent of the people, you had the entire concurrence of Sir James Graham, Sir George Clerk, and Sir William Rae. Now, from recent personal communication with all three, I can venture with certainty to assure you that you are mistaken in this persuasion. I will go further, and express my doubt of there being a single member of the House of Commons who would give the proposition his support. There may be some who would grant the right of an absolute veto to the people; but I greatly doubt if any would be disposed to recognise in the Church that power which your amendment would confer.

In the House of Lords, I would name but one member from whom such support might be expected.

I am,
My Dear Sir,
Very sincerely yours,
ABERDEEN.

Rev. Dr Chalmers.

Dr Chalmers to Lord Aberdeen.

Edinburgh, May 23, 1840.

My Lord,

There must be a profound misunderstanding somewhere. In terms as explicit as human language can make it, I have the assent of the three members named to my own principle of the Presbyterial veto. I hope to see Sir George Clerk on the subject; and can only now express my regret that your Lordship's last letters do not warrant the hopes which I had founded on all our previous correspondence.

I have the honour to be,
My Lord,
Your Lordship's most obliged and
obedient servant,
Thomas Chalmers.

Lord Aberdeen.

Lord Aberdeen to Dr Chalmers.

Argyll House, May 27, 1840.

My Dear Sir,

I have only a word to say, in order to prevent misapprehension.

In my former letter, I stated that neither of the members of the House of Commons to whom you had referred, would support your proposed amendment, enabling the Presbytery to give effect to the mere dissent of the people. Their willingness to agree to what you have formerly called a Presbyterial veto, is quite a different thing, to which, indeed, I have myself assented. But I do not understand that the Presbyterial veto would be equivalent to the veto of the people, which would manifestly be the case with your amendment of the Bill, if it should be adopted.

I have the honour, &c.
Aberdeen.

Note.

In consequence of representations having been made to Lord Aberdeen, that in the following section of the bill, being the 4th, the words, *printed in italics*, had been specially objected to, from an apprehension that it would open up a question for the civil courts—(viz. whether the objections were truly founded on matter personal to the presentee)—Mr Pringle, M.P., (then attending the Assembly,) on the 25th of May, on the part of Lord Aberdeen, intimated to Dr Chalmers that Lord Aberdeen had sent down authority to state that these words, or any part of them, would be withdrawn if Dr Chalmers thought them objectionable, and that they had been selected, because they were the words of Dr Chalmers's own motion in the Assembly in 1833. "And be it further enacted, that if the presbytery or other church court, after considering all the objections to the presentee, and all the reasons which may be stated against his settlement in that particular parish are satisfied, in the discharge of their functions, and in the exercise of their authority and duty as ministers of the Gospel, and as office-bearers in the Church, that no good objection against the individual, or no good reason against his settlement, has been stated as aforesaid, *or that the objections and reasons stated are not truly founded in any objection personal to the presentee in regard to his ministerial gifts and qualities, either in general, or with reference to that particular parish, or arise from causeless prejudices*, the presbytery shall then repel the same, and, subject to the right of appeal as aforesaid, shall proceed to the further trials and examination of the presentee, and, if found by them to be qualified for the ministry in that parish, shall admit and receive him into the benefice as by law provided."

Dr Chalmers to Mr Pringle.

May 26, 1840.

My Dear Sir,

The change is so very circumstantial, that is, affects so little the essence of the Bill, that I did not think it necessary to reply to your letter of this morning. The great desideratum is the unfettered judicial right of the Presbytery, and the removal of the serious exception (query as to this word, which is illegible) which the Bill lays on this right, by restraining the Church from giving effect to the dissent of the people, irrespective of their expressed reasons.

I am,
My Dear Sir,
Yours very truly,
T. Chalmers.

Copy of Lord Aberdeen's *proposed Bill, as shown to the Deputation of the Committee in London on Tuesday 28th April, with the alterations proposed by them on Thursday the 30th for Lord Aberdeen's consideration. The words on the margin were proposed to be inserted, and those within brackets to be omitted.*

Whereas certain acts of the Parliament of Scotland and of the United Kingdom of Great Britain have declared that the right of collation, in regard to the settlement of ministers in the parishes to which they may be presented, belongs to the Church established by law in that part of the United Kingdom called Scotland:

And whereas provision has been made by these statutes

[1] to the Church for securing[1] [the right of the Church to try the ministerial qualities fitting any person for the benefice, having cure to which he may be presented by the patron of the said benefice;] and in particular by an Act passed in the Parliament of Scotland in the year 1567, intituled, "Admission of ministers of laick patronages," it is statute and ordained, "that the examination and admission of ministers within this realme be only in the power of the Kirk now openlie and publickly professed within the samin. The presentation of laick patronages alwaies reserved to the just and auncient patrones." And by an Act passed in the Parliament of Scotland in the year 1592, intituled, "Ratification of the liberty of the trew Kirk," the government of the Church by Presbyteries, Synods, and General Assemblies was ratified and established, and it was ordained that all presentations to benefices be directed "to the particular presbyteries in all time cumming, with full power to give collation thereupon, and to put ordour to all maters and causes ecclesiastical within their boundes, according to the discipline of the Kirk: providing the foresaids presbyteries be bound and astricted to receive and admitt whatsumever qualified minister presented be his majesty or laick patrones." And by an Act of the Parliament of Great Britain passed in the tenth year of the reign of her Majesty Queen Anne, intituled, "An act to restore the patrons to their antient rights of presenting ministers to the churches vacant in that part of Great Britain called Scotland," the right of the Church to receive and admit persons presented to benefices was again recognised and secured; and by an act of the Parliament of Great Britain passed in the fifth year of the reign of his Majesty King George I., intituled, "An Act for making more effectual the oaths for security of the Government to be taken by ministers and preachers in Churches in Scotland," providing that certain oaths should be taken by ministers and preachers of the Church of Scotland, and for preventing delays in the supplying or filling up of vacant churches in Scotland, it is also declared and enacted, That nothing therein contained "shall prejudice or diminish the right of the Church as the same now

[1] the exclusive right of examining and admitting any person who may be presented to a benefice, having cure by the patron of such benefice.

1567, c. 7.

1592, c. 116.

10 Anne, c. 12.

5 Geo. I. c. 29.

stands by law established, as to the trying of the qualities of any person presented to any Church or benefice."

And whereas it is expedient to remove any doubt which may exist as to the powers and jurisdiction of the Church as by law established in Scotland, in the matter of collation, and to declare the right of the Church to decide that no person be settled in any parish or benefice having cure against whom or whose settlement in such parish or benefice[1] any just cause of exception [can be stated.]

[1] there exists

Be it therefore declared and enacted by the Queen's most excellent Majesty, by and with the advice and counsel of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that when a presentation to any benefice within that part of the United Kingdom called Scotland by the undoubted patron has been laid before the presbytery of the bounds, it shall and may be lawful for the presbytery, as part and as the commencement of the[2] [trial of the qualities] of the person so presented for the cure of that parish, to appoint him to preach in the church of the said parish, at such times and in such manner as the Presbytery may direct, or as may be directed by any regulations of the General Assembly to that effect, and after the presentee shall have preached in the parish church, according to the directions of the presbytery; the presbytery, or a committee of their number, shall[3] meet after due notice at the said church, and shall intimate that if any one or more persons, being in regular communion with the Church, and of full age,[4] have any objection of any kind to the individual so presented, or any reason to state against his settlement in that parish, and against his gifts and qualities for the cure of the said parish, but which objections or reasons do not infer matter of charge against the presentee, to be prosecuted and followed out according to the forms and discipline of the Church; the presbytery are ready either then, or at their next meeting, to receive the same in writing, or to write down the same in their minutes, in the form and manner which such communicants may desire; which objections or reasons shall, without delay, be fully considered and disposed of by the presbytery,[5] [by whom they are to be cog-

[2] proceedings in the examination and admission

[3] in such manner as they may appoint, or as may be directed by any regulations of the General Assembly.

[4] and standing upon the communion roll of the parish, to be made up in such manner as the church may direct.

[5] in the manner hereinafter enacted, or the whole case

nosced and determined, or] shall be referred by the presbytery to the superior church courts for decision, as the presbytery may see cause,—the presentee, and all parties having interest being heard in either case on the same.

[1] or of the aforesaid whole circumstances and condition of the parish, and the spiritual welfare and edification of the people,

And be it further enacted, that if the presbytery, or other church court, shall be of opinion, due regard being had to the whole circumstance and condition of the parish, and to the spiritual welfare and edification of the people, that in respect of any of the said objections or reasons[1] the individual presented ought not to be settled in the said parish, the presbytery, or other church court, shall[2] specify in their deliverance the[3] [objection or reason stated as aforesaid,] on which it is founded, and in respect of which they find that the presentee[4] [is not qualified for] that charge; in which event they shall intimate their deliverance respecting the presentee to the patron;[5] [Provided always that it shall not be lawful for any presbytery or other ecclesiastical court of the Church of Scotland, to reject any presentee upon the ground of any mere dissent or dislike expressed by any part of the congregation of such parish, and which dissent or dislike shall not be founded upon objections or reasons to be fully cognosced, judged of and determined by the said presbytery or other church court.]*

[2] set forth and

[3] special ground or grounds

[4] ought not to be admitted to

[5] who shall therefore have power to issue another presentation within the period prescribed by law.

[6] always

[7] and the decision of the supreme ecclesiastical court, or of any of the inferior ecclesiastical courts not duly appealed from shall be final, as respects the interests of all parties connected with the said presentation.

Provided [also,][6] that it shall be in the power of the presentee, patron, or communicants aforesaid to appeal from any deliverance pronounced by the Presbytery or Synod in such matter to the superior ecclesiastical court, according to the forms and government of the Church of Scotland as by law established.[7]

[8] and the whole circumstances of the case,

And be it further enacted, that if the presbytery, or other church court, after considering all the objections to the presentee, and all the reasons which may be stated against his settlement in that particular parish, are satisfied,[8] in the discharge of their functions, and in the exercise of their authority and duty as ministers of the Gospel, and as office-bearers in the Church, [that no good objection against the individual, or no good reason against his settlement, has been stated as aforesaid, or that] the objections and reasons

* Lord Aberdeen stated, that he did not intend to introduce this clause in the expectation that the General Assembly would withdraw the Veto.

stated were not truly founded in any objection personal to the presentee in regard to his ministerial gifts and qualities, either in general or with reference to that particular parish, or arise from causeless prejudices,[1] [the presbytery shall then repel the same,] and, subject to the right of appeal as aforesaid, shall proceed to the further trials and examination of the presentee, and, if found by them to be qualified for the ministry in that parish, shall admit and receive him into the benefice as by law provided.

[1] and that neither in the objections or reasons so stated, nor in the whole circumstances of the case, any sufficient ground exists why the settlement should not proceed, the presbytery shall pronounce a finding or deliverance to that effect,

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Appendix.

Excerpt from Report of Non-Intrusion Committee to the General Assembly.

" It was not till this final communication that Members of Parliament, unconnected with Government, felt the liberty, or rather the inclination, to take up the subject with a view to the preparation of a specific measure of their own, although the Committee had previously held conferences and correspondence with some of the most influential of their number. Immediately on the final answer of the Government being received, communications were renewed with a leading individual of the parties referred to, and the Committee were now led, for a short period, to entertain hopes that from this quarter they might obtain the introduction of a measure highly satisfactory, being substantially the recognition of the call embodied in the second of the drafts above submitted. They were also given to understand that it was not the intention of the members alluded to, to introduce any measure into Parliament, unless they should be supported by the sanction and concurrence of the Committee.* This sanction was immediately given; but the Committee had scarcely transmitted their approbation, and their urgent request that the suggested measure might be introduced, when they were informed that

* Lord Aberdeen does not know to what this alludes. He received no sanction of any plan, having proposed none. No approbation was transmitted to him, and he is aware of no such request. He wrote to Dr Chalmers on the 4th of April, the conversation referred to having taken place on the 30th March; and he received no communication before his letter of the 4th April arrived in Scotland.

it had been abandoned as impracticable; and that another measure would be introduced, founded on a proposition which had formed the subject of a previous correspondence between the Committee and the Members of Parliament referred to. The Committee were also given to understand that it would be introduced on the exclusive responsibility of the framer, and without desiring the concurrence or sanction of the Committee.

"The characteristic features of the proposition referred to were, that reasons should in all cases be assigned by the people for their dissent, and that whatever power might be recognised as belonging to the Church in the rejection of a presentee, should be carried into execution by her courts, in the exercise of a free discretion and judgment in each particular case, without being tied down by a fixed rule or law of the Church imposing the necessity of giving effect to the dissent of the people, equally in every case.

"In regard to the extent of the power which was proposed to be allowed to the church courts in this respect, some misunderstanding had originally taken place. As set forth in a communication from one leading individual, the Committee conceived the result of it to be (as stated by them in their reply), 'to leave to the church courts simply to determine on the character of the reasons adduced for objecting to a presentee;—preventing them from giving effect, even in a judicial determination, to their views of the inexpediency of a settlement, in respect of the opposition of the people, apart from their opinion of the character of the reasons alleged for such opposition—nay, excluding as an element in that determination, the circumstance of whether the objection be entertained by a few individuals, or by the great body of the congregation.'

"The proposition thus understood (which appears to your Committee to be nearly identical with the measure lately introduced into the House of Lords), the Committee stated to its author, they could not 'even entertain,' or 'listen to for a moment,' 'involving, as it does, the abandonment of that very principle which the Assembly, by whom they were appointed, had declared could not be abandoned.' The Committee were thereupon informed, that they had entirely misapprehended

the nature of the proposition submitted—which was further explained; and which, the Committee then replied, they *now* understood thus, viz., 'That the Church Courts should have the power to reject a presentee, in consideration of the continued opposition of the people, although they should think the reasons assigned for that opposition as frivolous' as a certain very frivolous reason, which had been stated by the writer in illustration. The proposition 'thus explained,' it was intimated, would receive from the Committee 'an attentive and favourable consideration.'

"The construction above quoted not having been repudiated, the proposition did accordingly form the subject of an attentive and anxiously-favourable consideration by the Committee; but, as no measure has yet been proposed, founded upon it, they do not deem it necessary to lay before the Assembly the result of their deliberations regarding it.

"The measure recently introduced has proved unquestionably not to be founded on that proposition, as understood by the Committee.

"It is to be hoped, that the simple exhibition of the measures proposed by the Committee, will suffice to vindicate both the principles of the Church and the proceedings of your Committee, in their attempts to obtain some mitigation of evils perhaps the most oppressive and intolerable of all others to the feelings of Scotchmen—the evils which have ever been found to accompany the exercise of an uncontrolled and unlimited patronage—a system by which historically, as is well known, our Church was rent in twain more than one hundred years ago, it having been the main cause of that dissent, which has ever since so spread and multiplied within our borders. The number thus alienated, and the number whom, in virtue of our inadequate means and inadequate machinery, we cannot overtake, form the two great sources of that danger to which the National Church at present is exposed; and if permitted to increase in these days of hostility to all religious establishments, then hers is sure to become a position of greater and greater precariousness between the enemies, not of her faith, but of her polity, on the one hand, and the exiles who are beyond the

reach both of her Sabbath and her week-day services, upon the other. If it be only by church extension that she can recal the one class of wanderers, it is only by her attempts to abate the grievance of patronage that she can reconcile and reunite the other—in which, if she fail, the Church of our fathers, because resting on a foundation too narrow, must give way before the power and multitude of the foes by whom she is encompassed; but in which, if she succeed, her cause, under the blessing of God, and perhaps the general cause of religious establishments everywhere, will be placed on a secure and impregnable basis.

"With reference to the bill which has recently been presented to the House of Lords, and is entitled "An Act to remove doubts respecting the admission of ministers to benefices in that part of the United Kingdom called Scotland," your Committee are in no way responsible for its provisions. The noble framer of it had ceased to honour them with his correspondence for some weeks previous to its introduction into Parliament; and coming greatly short even of that measure in favour of which they had been led to anticipate the full consent of all the influential members of both Houses with whom he is associated, the appearance of the bill in question could not fail to be met by them with feelings both of disappointment and surprise."

When the Report, from which the preceding is an excerpt, was presented, (May 27, 1840,) Dr Chalmers is reported to have made these observations in the General Assembly:—

"I have to state with deep concern, that up till three weeks ago, I was led to believe that Lord Aberdeen's bill would be of such a nature. I was led to expect it, and I think I have right and reason to be disappointed. It is stated in the report that Lord Aberdeen had for some time ceased to correspond with the Committee; but I may state, that after the introduction of his Bill into Parliament, he did me the honour to open a correspondence with me, which I have obtained his Lordship's consent to lay before the Assembly."

At the close of his speech, the following question was put:

"Captain Horn Dalrymple wished to know from Dr

Chalmers if he could produce the correspondence which had taken place between himself and Lord Aberdeen previous to the letters he had that day read. He was sure it would not be credited, in his own country at least, that Lord Aberdeen could deceive any man, or set of men.

"Dr Chalmers said, the correspondence could not be produced, as the other letters from Lord Aberdeen were marked private; but he might state, that he had good reason to expect that Lord Aberdeen would have brought in such a bill as was likely to satisfy the Church, which he had not done."—*Edinburgh Courant*, *May* 28, 1840.

Dr Chalmers must have been under some misapprehension in stating that the letters from Lord Aberdeen, prior to those by him, were marked private, or could not be produced. He has since explained "that none of them were marked private, and that all of them (prior to that of 4th April) had been shown to the Committee;" and Lord Aberdeen in his letter of 21st May, written in answer to an application from Dr Chalmers, dated 18th May, for permission to make use of the letter of May 14th, had written,—

"I cannot object to the request you make of referring to *my correspondence* in the Assembly, especially for the purpose of conciliation and peace. My letters have been written very hastily; indeed I have not retained copies of all of them, and I may have employed expressions at variance with my general meaning. *Of course you will give a full and fair representation of my sentiments, if you think it necessary to allude to them at all.*"

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The following letters are omitted at their proper place.

Dr Chalmers to Lord Aberdeen.

Burntisland, April 10, 1840.

My Lord,

My College Session terminated last week, and I three days afterwards took an excursion through Fife, my native county. It was only on arriving here yesterday, where my small summer cottage is, that I found your Lordship's letter of the 4th. Your letter, however, had been previously shown to Mr Dunlop. They meet in committee to-day, and I have sent them a letter explanatory of my views.

Your Lordship is quite accurate in your conceptions of my understanding on the subject of a measure, though the one you propose be not, in my view of it, the most desirable, (preferring, as I would, a full recognition both of the judicial and legislative powers of the Church, in every step connected with the admission of ministers, after the patron had handed over his presentee to our courts ;) yet if yours be the most practicable, I am fully disposed to acquiesce in it, and have strongly urged this on the Committee in Edinburgh.

The only two things which occur to me at present are the following :—The first, I am glad to think, has received your Lordship's approbation. *It is, that the decision of the Presbytery be not a decision founded exclusively on the reasons of dissent by the people, but a free and unfettered judgment on all the circumstances which might affect the Christian usefulness of the presentee.* The thing was admirably expressed in a letter of January last to me, by Sir George Clerk, which is now in Edinburgh, but which I think briefly and felicitously conveys, in a very few words, the entire power of decision to Presbyteries in every case, subject to the review of the superior Church Courts alone.

The next matter to which I attach very great importance is, that the bill in question, though it secures to us the temporalities of an establishment only if we confine ourselves in this matter to the judicial exercise of her powers, insomuch that we should forfeit them did we put forth legislative powers, by the re-enactment, for example, of the veto law—yet that the bill should not contain any prohibitory clause, to the effect of thus restraining us. It is of immense importance, my Lord, in these days, that the right principle and theory of a national establishment should be scrupulously deferred to in every Act of Parliament. There are powers inherent in every Christian Church which the State can neither give nor take away. All which the State ordains is a national provision for a clergy, which we accept on the conditions under which it is offered,

and which we forego should these conditions be departed from. It is for this reason I should like, in every such instance, that the enacting verb was made to govern the temporalities of the State, and not the powers of the Church. If you append, for example, the civil sanction to our judicial, and not to our legislative powers in the instance before us, it should be so expressed as to show that the State is not laying a limitation on the powers of the Church, but on her own bounty. This of itself is a sufficient restraint on the Church against all wayward legislation, and gives the State all the hold over us which it ought to have. Had we known that, by the Veto Law, we were to dissever the benefice from the cure, we should not have enacted it; nor is there the least likelihood of our enacting it anew, under such a measure as that proposed by your Lordship. But I would give your Lordship my earnest assurance that, in the argument with Radicals and Voluntaries, it is of the first consequence that we should be enabled to hold up the connexion between Church and State, to them and to the public, in a presentable form.

I will not expatiate on the indispensableness (as on this I have often insisted in the course of my previous correspondence) of our being utterly freed from the control and interference of the Court of Session in all but the temporalities, beyond which, if they are to be vested with any power whatever over our ecclesiastical procedure, it will, and ought, I think, to be fatal to any Bill.

I have the honour to be, &c.

THOMAS CHALMERS.

Lord Aberdeen.

Dr Chalmers to Lord Aberdeen.

Burntisland, April 11, 1840.

MY LORD,

I have heard from Edinburgh that the Committee are far from being at one, and have appointed another meeting on Monday, which, greatly against my will, I shall cross the water to attend.

I can foresee great difficulties and great trouble, and would feel myself on high vantage ground if the legislative powers of the Church, as well as its judicial, had the civil sanction appended to it. As it is, I shall do my best—resolute only on one principle, that better have no Establishment at all, than an Establishment so fettered by the Civil Courts, as to sustain any other penalty when taking her own way than the loss of her temporalities.

I have the honour to be, &c.

THOMAS CHALMERS.

Lord Aberdeen.